

TOWN OF ROCKPORT
FALL TOWN MEETING
SEPTEMBER 12, 2016
ROCKPORT HIGH SCHOOL AUDITORIUM

MODERATOR: Ladies and gentlemen, boys and girls it is after 7PM (7:10PM) on the 12th of September so we shall begin. Unless you are an NFL quarterback I'd like you to please rise, put your hand over your heart and salute the flag.

The Pledge of Allegiance was recited.

And as it is the day after September 11th and it has been 15 years I would like us to stand and have a moment of silence for all those who gave their lives on that day and since in defense of our country.

Matt Wigton of the First Baptist Church will give us the invocation.

REVEREND WIGTON: I'd like you to join me for invocation. Gracious God at the beginning of this meeting we pause to remember the extraordinary gift that we have been given, many gifts that we have been given including living in Rockport in 2016. While we acknowledge that our nation and our town are not perfect they are full of much good and of your blessing. We thank you for your continued grace in our lives the many men, women who have labored and in some cases given of their lives so that we might experience this blessing and our freedoms. Tonight we also think and pray for those in our community who are hurting whether this be physically, emotionally or economically. While we each have different views and experiences I pray God that you would help us to strive tonight to consider and think of the welfare of our neighbors as equal or maybe even greater concern than that of ourselves. As we come to address the matters of town business may we recognize our responsibility to be stewards of the assets that we have been given and may we in deed be faithful in responding to the matters and people you have placed within our care. We pray that you give us wisdom and clarity in discussing and deciding the matters on tonight's agenda and even cases where we may disagree with one another may we exude patience and kindness as we work towards excellence in both our character and the execution of our town business. We pray this in your name. Amen.

MODERATOR: The Chair will entertain a motion to omit the reading of the warrant. Moved and seconded the reading will be omitted. I'll now ask the clerk to read the Officer's Return on the warrant.

Town Clerk Patricia Brown read the Officer's Return.

MODERATOR: Thank you. I have a quiz tonight and I'm going to ask it and you can just answer it quietly and I will then give you the answer. What do Paris, Rome, Niagara Falls and the John Lane Auditorium have in common? Give up? It is a great place to spend at least part of your honeymoon and tonight our Assistant Town Administrator Mitch Vieira just got married on Saturday and he has decided to spend part of his honeymoon with us this evening so thank you. (Applause)

He is a real Rockport patriot, that guy.

I have a couple of public service announcements that I am going to give you now and one was generated by Selectman Campbell and the Winter Parking Ban Committee and I couldn't print it so I'm going to read it off my phone so here we go: This past spring the Board of Selectmen said they would report back to you about making changes to the Winter Parking Ban. Since that time a Winter Parking Ban Committee was formed. The committee's mission was to look at ways to ease restrictions without impeding the efforts of the DPW to keep our streets clear and safe. The committee believes that what follows below is a good first step. The new ban provides discretion as to when the Winter Parking Ban begins and ends, which will hopefully, dramatically shorten the time that it is in effect.

The ban that the Selectmen approved last week reads as follows: (this is me reading in all CAPS) "THE WINTER PARKING BAN SHALL TAKE EFFECT AT LEAST 24 HOURS PRIOR TO THE FIRST SNOW OR ICE STORM OF THE SEASON UPON THE DISCRETION OF THE CHIEF OF POLICE AND THE DPW DIRECTOR ACTING JOINTLY BUT NOT EARLIER THAN NOVEMBER 15TH. ONCE ENACTED, THE BAN SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL A DECLARATION BY THE POLICE CHIEF AND DPW DIRECTOR OR APRIL 1ST WHICHEVER COMES FIRST.

DURING THE WINTER PARKING BAN, THERE IS NO OVERNIGHT PARKING ALLOWED ON ANY TOWN STREETS OR ROADS BETWEEN THE HOURS OF 12:00 AM AND 6:00 AM."

All available channels of communication will be used to keep citizens informed including the town's website, digital signage, newspaper, social media *and of course the coffee shops (I added that)*. Thanks to Police Chief John Horvath, Fire Chief Jim Doyle, DPW Director Joe Parisi along with Bill Aspesi of the DPW and to committee members: Rae Francoeur, Carol Rowe, Jim Ugone and Sandy Weaver. This committee will meet again on February 1st 2017 to explore the next steps to implement a "Winter Snow Emergency" or similar system that would provide for as needed parking restrictions based on weather conditions and not on time frame. All are invited.

Thank you to the committee and now Bruce Reed is going to give us a public service announcement as to our water restrictions.

BRUCE REED: 32 Pigeon Hill Street – DPW Commissioner – Thank you Mr. Moderator. On Wednesday night the DPW Commissioners will most likely be putting in a total water ban for outside hand held hoses it's at the...should say the request of the state DEP and we agree with that need so look for some information in the paper, look at the Code Red or listen to the Code Red but it will be for the remainder of the year no outside watering with hoses – sorry. Thank you.

MODERATOR: You didn't say the thing about showering with a friend.

(Conversation from the audience out of microphone range) Yea we're not going to have any discussion about a public service announcement if you want to comment further talk to the DPW or the commissioners. Thank you.

This evening also we have and you know I don't like paper out back and we're very, very thrilled that we have our voter's booklet but two important pieces of paper we have a survey that the Town Government and Bylaw Committee would like you to fill out. Not now but on your way out having to do with when our town meetings actually take place and we also have a Press Release which we will give you – I'm going to give you time to read this twice so you're not always flipping through so go ahead take a minute, make sure you have one or a friend has one and just look through it and then when we get to Article L I'll give you an opportunity to read it in more detail. Okay as they used to say in school look up when you've finished reading. Great open your voter's booklet if you would we're going to go through from page 7 on a little about some of the procedures of tonight's meeting we'll do it quickly, it's not going to cover every point. As you know we're always going to be talking about a pending motion not the warrant articles themselves both the warrant articles and the motions are in this booklet so you can follow along and I will first recognize a proponent this evening I believe it's only going to be from the Town Government and Bylaw Committee but the Finance Committee is standing by ready, willing, and able to discuss some of these as well. We also hear from the Board of Selectmen from time to time on articles and then it will be opened up to the proponent to spend some time talking about it and then opened up to the townspeople

You have to get my attention or the attention of Linda or Pat over here and you have these very pretty – I'm kind of colorblind – I'm going to call these blue-green. Alright so wave those, shout out my name, raise your hand, do something and when you get recognized we have a couple of microphone people here this evening. We have Caroline Campbell and we have Aadan Deleon Job, that may or may not be close or you can come up front to the microphone and you have to please state your name and the first time at least your address. Address all comments through the Chair and don't get involved in a conversation or I'm going to cut you off and also you must remain civil and relatively polite and don't engage in name calling save that for your run for higher office (laughter).

I give preference to people who have not yet spoken on a particular article and in fact who haven't spoken before and from time to time I'll ask to hear from rookies because I want to make sure we all participate. This is your meeting after all. There are time limits – ten minutes for the principle speaker and then five minutes for everybody else or sooner if you're not relevant and you should always try to get your point across as quickly as possible. When I sense you're ready to vote I'm going to state the question and if you have any question about what you're voting for speak up or forever hold your peace and there are other interesting and wonderful things throughout the rest of this – talking about Resolutions and exempting warrant articles from the lottery and things of that nature. I'll leave that to you to read through those. We use Robert's Rules of Order as adapted for town meetings in a book called Town Meeting Time and I have been informed by our librarian that Robert's Rules of Order has just come out with a new addition so rush right out and buy that if you would.

The following articles I have determined are related so when the first one hits we'll go through all those – A,B,G, and H, C,D, and E and L and M. If you are a non-voter you have to be way up there and you cannot present anything to the meeting but we're glad that you're here and if we run into a situation where we need to break us out into divisions and have tellers we'll deal with that at the appropriate time. I'm looking forward to a day that we all vote electronically and I know some people in this room are not looking forward to that day.

The Chair will entertain a motion under Article C.

ARTICLE C (1)To see if the Town will hear and receive the annual report and recommendations of the Community Preservation Committee pursuant to Section 5 of Chapter 44B of the General Laws and Chapter 2, Section 5(d)(ii) of the Code of By-laws; or act on anything relative thereto. (*Community Preservation Committee*) (*majority vote*)

LINDA SANDERS FOR RUTH GEORGE, CHAIRPERSON OF THE COMMUNITY PRESERVATION COMMITTEE: I move that the Town hear and receive the report of the Community Preservation Committee.

Moved and seconded. We're on page 27 of your voter's booklet – page 27. Hi Ruth.

RUTH GEORGE: 86 Granite Street – Chairperson of the Community Preservation Committee – Good evening everyone

Rockport Community Preservation Committee 2016 Report to the Fall Town Meeting

Since 2003 the Town of Rockport voted in the Community Preservation Act at the maximum allowed of 3%, and again reaffirmed it in 2008. CPA funds collected can only be invested in certain Community Preservation projects. The Community Preservation Act allows for any city or town in the Commonwealth of Massachusetts to adopt a property surcharge with revenues from this surcharge (and state matching funds) to be devoted to Open Space/ Recreational use, Historic Preservation, and Community Housing. All of our project requested since the act was passed came to us, and then put to you at town meeting, from individuals, groups and town committees. We have needed and continue to need your input. We write to all town committees and commissions annually and also solicit applications through the newspaper explaining the laws and how these funds can be used. We hold advertised public hearings to go over the application process with the interested parties. Applications are accepted and stamped and timed in at town hall by the first Monday in February. Each group will be contacted to come make a presentation to the committee about their application and

additional meetings will be scheduled to answer questions, make changes or clarify issues to see if they meet the specifics of the different eligible categories. We also work closely with The CPA Coalition in Boston as needed for specifics aspects of a project. We interview all applicant groups during our open to the public monthly meetings held the second Tuesday of the month at the Rockport Police Station Community Room at 7pm. We determine eligible projects and vote on final recommendations either full requests or partial amounts depending on available monies for the Fall Town meeting and the voters. Ten percent of the funds received in any fiscal year must be allocated for each of the three areas. The remaining 70% of each year's funds can be spent in any of the areas determined by Rockport voters. CPC funds cannot be used for general maintenance. Consistent with the terms of CPA and with the adoption of the bylaw in 2003 a CPC committee was formed to study and recommend how Rockport's CPA revenues should be spent. The committee is appointed by the Town Moderator and mandates that certain town committees serve as representatives to the committee. The Committee currently includes:

Maryanne Lash, representing the Conservation Committee

James Ugone, representing the Historic Commission

Edward Hand, representing the Planning Board

Bethany Brosnan, representing the Rockport Housing Authority

Bruce Reed, representing the DPW Board of Commissioners

And four at-large members appointed by the Town Moderator: Philip Crotty, Stephen DeMarco, Mel Michaels, our current Treasurer, and myself Ruth George, Chairperson.

Since its beginning in 2003, the Town has appropriated over \$7 million in projects in Rockport funded through your local Community Preservation Committee. Tonight we bring you six new projects that we feel deserve your support for the Town of Rockport. This cycle began with 12 applications, after meeting with applicants three did not meet the qualifications for CPC funding. That dropped the final down to 9 applications.

This year we have decreasing tax revenue and estimated match and were dealing with less money to pass all projects that applied. The Town of Rockport DPW, who submitted 4 applications, were asked to rate their projects by priority. Millpond and Pingree Park were 1st and 3rd and an application for boilers for the Pigeon Cove fire station and Legion building were denied with the hopes to get funding from other town sources. An application for Harvey Park was withdrawn, due to some very late significant changes and a large increase in requested funds. This will be brought to CPC next cycle hopefully. The other long standing applicant that was denied this year was the Action, Tenant Based Rental Assistance program for Rockport residents, under the Community Housing category. This program has been funded almost every year and looking back, we have given them a total of over \$900,000.00.

This coming year we want to specifically look at our community housing options and look for a more permanent solution for this problem for Rockport residents. Something new this year has been the blue Community Preservation signs that we are posting at different sites for a few months that have been made possible by you the voters from CPC. We also have a liaison from the Board of Selectmen to our meetings, Mina Sheedy.

So we have six projects before you tonight, each unique to the Rockport we all love.

- 1.) The Pigeon Cove school basketball court. Our old school, with the preservation of the lovely open active area for all to enjoy.
- 2.) The Pigeon Cove fire station, that has served this town since 1884. The men and women, who volunteer countless hours to be at the ready to help and protect us, now need our protection for their fire house. How many of you can say that you have had a Rockport fire fighter in your family?
- 3.) Millbrook pond where we have skated as kids and fished and played in the park. Let's keep it and preserve for all to enjoy in the future.
- 4.) Straitsmouth Island, what does that mean to you, do you remember the old Straitsmouth Coast Guard Station, that's gone but let's preserve the island for all generations to use, explore and have safe access to.
- 5.) The South End tennis court, do you even know you have that to use along with your beautiful Long Beach? This is where countless South End kids like the Visnicks, Twomblys and others played as kids. Let's restore this so all of Rockport can come and enjoy. and finally the beautiful out cropping of land between Cape Hedge and Pebble Beach, given to the town. Remember the Pine and the Krenn families who ran the Cape Hedge Inn. Now, to be preserved as a park for all to enjoy.

As the committee name suggests, (Rockport Community Preservation) this is money to preserve the community that we feel these are unique properties that show why we have chosen to live in Rockport and to respect the past and move into the future by adapting them for all to enjoy. Thank you very much. (applause)

MODERATOR: Thank you Ruth. We have a motion to accept that report and I am going to add "with gratitude". All those in favor say aye. Opposed say no.

That motion carries.

We go right into D. The Chair will entertain a motion under Article D.

ARTICLE D (2): To see if the Town will vote, pursuant to Section 6 of Chapter 44B of the General Laws, to set aside in the Community Preservation Fund sums of money from Community Preservation Fund FY2017 estimated annual revenues for later spending for the respective purposes indicated:
or act on anything relative thereto. (*Community Preservation Committee*) (*majority vote*)

First, a sum of money to be deposited in the Community Housing Reserve Account;

LINDA SANDERS FOR RUTH GEORGE: I move that \$54,580 be transferred from FY17 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Community Housing Reserve Account.

Moved and seconded

RUTH GEORGE: This meets the CPC minimum appropriation required by law that ten percent needs to be put in housing reserve, open space and historic preservation. Thank you.

BETH SULLIVAN: 4 Summit Avenue – Ruth I think it was two meetings ago we voted to put \$30,000 for painting of the Community House. How is this money different? Does it just sit in some reserve account or what happens to it?

RUTH GEORGE: This is money that sits in each of the reserve accounts for housing reserve, open space and recreation and historic and the other is all in the main account. When we do appropriate money we specify which account it's coming from. So we have, yes it's an accounting issue.

MODERATOR: You have heard the motion. All those in favor say aye. Opposed say no.

That motion carries. We go on to motion 2:

Second, a sum of money to be deposited in the Open Space/Recreation Reserve Account;

LINDA SANDERS FOR RUTH GEORGE: I move that \$54,580 be transferred from FY17 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Open Space/Recreation Reserve Account.

Moved and seconded.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries. We go on to the third motion:

Third, a sum of money to be deposited in the Historic Preservation Reserve Account; or act on anything relative thereto. (*Community Preservation Committee*) (*majority vote*)

LINDA SANDERS FOR RUTH GEORGE: I move that \$54,580 be transferred from FY17 Estimated Annual Revenues of the Community Preservation Fund to the Community Preservation Fund Historic Preservation Reserve Account.

Moved and seconded.

MODERATOR: Any discussion? All those in favor say aye. Opposed say no.

The motion carries. We move on to Article E but before we do that I'm going to ask that we draw the next.

ARTICLE E (3) To see if the Town will vote to appropriate and transfer from the Community Preservation Fund the following amounts for the respective purposes indicated:

First, \$15,000 to be expended under the oversight of the Department of Public Works, working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of Sandpiper Park;

LINDA SANDERS FOR RUTH GEORGE: I move that \$15,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account and expended under the oversight of the Director of Public Works and DPW Commissioners working with the Community Preservation Committee, for the restoration, rehabilitation, and preservation of Sandpiper Park.

Moved and seconded.

RUTH GEORGE: This next project which we support is the Sandpiper land at the end of South Street between Cape Hedge and Pebble beaches. This site, worth approximately one million dollars was given to the town by the Wrightson family to be under the care of the Conservation Commission for public enjoyment and use. The Wrightson family who generously donated the land has said that with its magnificent views and I quote "they wish it to continue to offer the sweeping views of the beauty of Rockport coast for any and all who walk its path. The town's continuing efforts to expand on improvements will provide Dorothy Waugh Wrightson's family and friends with a poignant reminder of her generous spirit and we want to thank you for your stewardship of this beautiful site" end quotes.

Working with the Rockport DPW, the Conservation Commission has made great progress in clearing the lot, including working on the foundation and the septic system and the installation of 5 granite benches. These benches are utilizing old granite pulled out of the property by the DPW that were original to the old inn. Funding is now needed in the amount of \$15,000 for further development, including top soil, seeding seaside-hardy plant materials and several informational plaques on the historic importance of this site. The goal is to keep the natural aspect of the Sandpiper area, make the site safe for public access and provide the opportunity for the public to enjoy this magnificent coastal view it affords.

This property has been vacant since the fire destroyed the Cape Hedge Inn in 1977. Of historic importance did you know that this was the site of the trans-Atlantic cable landing and said to be the one time home of the Judge Cotter House (of the Lizzie Borden fame).

MODERATOR: Hmm. We'll hear from the Finance Committee.

IAN CROWN: 67 Eden Road – This is a beautiful place to go to already. It's an incredibly interesting part of town at the end of South Street and the Finance Committee I believe is fully in support of this money so I think it's a very good idea. It's one of those places that right now it's just a raw expansive granite some old concrete and stuff like that but it could be an absolute gem. Thank you.

MODERATOR: From the Board of Selectmen – Mr. Campbell.

DON CAMPBELL: Member of the Board of Selectmen – Good evening everybody. This money is just for general improvements to the park. I know that there's been a little talk about what's going to be done down there but this is general improvements to get the place looking the way it should for a piece of property of that magnitude it's beautiful down there and that's really all it is. The Board does support this.

TOBY ARSENIAN: 95 Granite Street – I attended the Board of Selectmen meeting last Tuesday and numbers of the South Street neighbors appeared and there was plenty of comment and more than a little confusion about the plans some of the comment had to do with the parking which is on, not on, should not be on the parcel in question. I went today to look at the plans at the Conservation Commission office and it does seem that the parking does extend onto the lot. I'm not sure whether that's proper. I think that's not proper. It strikes me that \$15,000 is a great deal of money to spend for a few shrubs, rose of rugosa and such and some topsoil particularly when we can get the benches off the property and if not off the property the town has tons and tons of granite in back of Carlson's quarry so I think it's an extravagant way of spending money and at the selectmen's meeting the selectmen were unclear of the parking plans and are we sure that the parking doesn't extend on to the parcel in question? If it does I have an amendment to offer.

DON CAMPBELL, SELECTMAN: Toby, I shared in your confusion with that and I went to the Conservation Commission meeting subsequent to that and none of what we're talking about tonight has to do with anything about parking or any of that so that has nothing to do with what's going on right now. At that meeting it was decided that the scope of the project would lay with the DPW, I'm sorry, with the Conservation Commission but nothing has been decided on that yet. There will be public hearings. I was very clear in what I said at that meeting when I attended it that the public should have ample time for input into this so what we're talking about tonight and what you're concerned about, and rightfully so, isn't relevant to tonight's article.

IRA LEVINE: 220 Granite Street – If we are not talking about increasing the parking area tonight what is the \$15,000 going to be for?

RUTH GEORGE: They are requesting \$15,000 for topsoil, for plantings, for historic low things that tell about historic relevance of the land, low blueberry bushes, all kinds of plantings and I just want to remind people when an applicant applies for money and let's say this \$15,000 they have specifics in their application what they want it for. If it doesn't turn out that they need it all the money comes back to CPC to the general fund of CPC and is used for another project. No project can use extra money left over for anything they want. Everything is signed off with us in CPC for all of those monies.

LARRY NEAL: 10 Paradis Circle - Chairman of the Conservation Commission –What's been presented is correct. We have a Notice of Intent we filled out to say exactly what we were going to do on the property it does not include anything to do with the parking. That's a whole separate permit process it's I'd say a third of the land there was an underground septic system and you can't grow anything on it so what we're doing is we're asking for topsoil and we're asking for native plants and we're asking for plaques and we're asking for things to pave like crushed stone the paths and that type of thing and I don't know how many people landscape their yard but you can spend \$15,000 putting in a driveway so it's a pretty little amount of money relatively. Thank you.

BETSY CARTER: 220 Granite Street – I'm a landscaper my concern about this is we're in a drought and if you're going to put soil down it's going to blow away over the winter and if you're going to plant anything it's not going to live if you can't water it and it strikes me that you could just let what is there grow back and put a path through it. What was there before was beautiful it was bird habitat, you could get in there and you could still get in there I don't think you need to do very much to it but let it grow back. It was very beautiful and I do question this money I mean you know winter's coming. We just had a storm where there were waves breaking on that park so to put soil down and plants in seems kind of dumb to me.

LARRY NEAL: We actually don't get the money until spring. Because there was a house there there's water on the property and we have to put a meter in if we use it. The soil we've had looked at by people. We had UMass look at the place. The suggestion is that if we plant things that we dig down two or three feet so the soil's almost like in a pot and the part of the site that gets the wave action we aren't going to plant things.

MARY MINTZ: 3 Highland Street – I was just curious as to what, I mean I don't understand what was there before because I never really looked at it but were there already native plants in that area? I mean seriously the right way, I'm just suggesting that the right way to manage it is to keep some of what's already there and then add to it.

MODERATOR: Okay we'll ping pong back to Mr. Neal.

LARRY NEAL: Half of the site is..has plants on it already those have been kept. The septic system took up half of the site and on top of that was a parking lot that's what we dug up.

MODERATOR: Anybody else? You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries. We move on to the second motion.

Second, \$250,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of Mill Pond;

LINDA SANDERS FOR RUTH GEORGE: I move that \$250,000 be appropriated and transferred from the Community Preservation Undesignated Fund Reserve account and expended under the direction of the Director of Public Works and

the DPW Commissioners, working with the Community Preservation Committee for the restoration, rehabilitation, and preservation of Mill Pond.
Moved and seconded.

RUTH GEORGE: This application was submitted February 1, 2016 to meet the deadline for the 2016 CPC cycle, with a total project request at that time for \$1,291,000. This was pending a warrant article passage for the April 2016 town meeting for \$350,000, which was specific to do dredging for the mill pond. This was passed by you, the voters at town meeting. As you can see in the specifics of the warrant article, we are addressing moneys for the mill pond dredging aspect only. They are now requesting \$250,000 to use to add to the cost of dredging the pond. The monies awarded previously were for a limited dredge plan to the extent possible with these funds. They are now requesting the full amount they originally asked for, to complete the pond dredging and permitting process.

We support the mill pond dredging process to protect our newly rebuilt dam and restore this beautiful pond. We now turn the project back to them for further completion of the meadow and applaud their on-going efforts with the Millbrook Meadow Committee with applying for grants and donations. The Rockport Millbrook Meadow Conservancy was formed in 2014 and specifically supports the efforts of the meadow restoration.

SARAH WILKINSON: Board of Selectmen – Good evening, the board supports this article and I think we’ve been very supportive of the mill pond projects in general while being mindful that there are lots of projects in town to balance as we’re seeing tonight. I always try to look at community preservation projects like projects that honestly couldn’t be completed using regular general town funds and taxpayer money and they’re kind of extras that make the town a really special place. I think the blue plaques that are now up around town have added significant like significantly to the projects because now as Rockporters and people who visit here come to see they see the projects that the town values and projects that we’re proud of and are willing to put our money towards and I think the mill pond project is one of those and the Board of Selectmen supports it as well.

JUNE MICHAELS: The Finance Committee also supports this project we want to point out that this brings the total town contribution to the Millbrook Meadow project to \$760,000; that was \$60,000 in general town funds and \$100,000 from community preservation for the initial design phase; \$350,000 voted this spring for the dredging from community preservation fund and now another \$250,000 but there is another contribution we would like to mention and that is all the work that the Department of Public Works has done in site preparation and in dredging and in cleaning up the frog pond and other work and for all of the work managing and consulting on this that the DPW Director Joe Parisi has done. Thank you.

TOBY ARSENIAN: I think with all the projects that come before us in community preservation we should think not just is this something you would like to have or something we would like to do but is this the best possible way of spending the money and if we’re talking about a total of \$600,000, \$250,000 tonight, it most certainly is not the best possible way of spending the money. If we’re going to spend hundreds of thousands of dollars on open space we should be buying open space for the town. In particular we should be buying open space in the watershed. We’ve already appropriated money for this project so it seems likely enough that we’re going to appropriate this as well. I attended the Community Preservation Committee meeting when they were voting on the projects and speaking about this project just before the vote on it Ruth George said that we wanted to see the project through. We wanted to see the dredging done she was speaking on behalf of the committee and nobody contradicted her. She also said that this would be the end of the community preservation funding for the Millbrook project and they should look elsewhere for continuing the project in Millbrook meadow. That was not part of the motion. My concern is whether or not you support the project that if they get the money and there is any left over after the bidding for the dredging having submitted the plans of the entire project they can go right ahead with the project portions in the Millbrook meadow. I see Mel Michaels shaking his head and I also am looking at Joe Parisi who is a proponent of the project as well as DPW Director and some people feel that that would be a legitimate way of continuing with the money and I wish to offer an amendment which would prevent that from happening: add the following sentences: No part of this appropriation is to be spent until all of the previous CPC appropriation for Mill pond dredging is spent. No money from this appropriation will be spent on alterations or improvements to the area seaward of the Mill dam.

Now we’ve heard that all of this is for the dredging and this is to ensure that that is in fact the case. That was what Ruth George said when she was advising the committee to vote for the project to bring it here and this just makes it binding and legal.

MEL MICHAELS: 22 Landmark Lane –

MODERATOR: We are now talking about the amendment which was moved and seconded so we’re going to talk about this first then we can go back and talk about the motion and I believe town counsel wishes to be heard so..a lawyer who doesn’t want to be heard, how about that ladies and gentlemen. Okay Mr. Michaels

MEL MICHAELS: Community Preservation Treasurer, 22 Landmark Lane – If you read the article Toby it is very limiting it only allows for the use on the dredging of the pond itself that money cannot be used for anything else unless town meeting determines that that would be the case at another meeting so I don’t believe this amendment is even in order.

MODERATOR: Does anybody else want to talk about the amendment?

CHARMAINE BLANCHARD: 16 ½ King Street – A point of clarification Mr. Moderator who seconded the amendment?

MODERATOR: I’m sorry?

CHARMAINE BLANCHARD: You said the amendment was seconded, moved and seconded and I did not see anyone second.

MODERATOR: Pat Brown

CHARMAINE BLANCHARD: Thank you

MODERATOR: Okay back to you Toby

TOBY ARSENIAN: It would be sufficient if the DPW Commissioners or any of them or Joe Parisi since the DPW Commissioners are formally the applicants for the project if they acknowledge that none of the funds are going to be spent seaward of the Millbrook dam. That would be sufficient. In public.

MODERATOR: Sufficient meaning what? (without microphone can be heard “I will withdraw the amendment.”) Let’s hear from Joe Parisi.

JOE PARISI: Director of Public Works – I did have a conversation with Toby about this issue earlier today. One of the things that we talked about was the discussion that I had with the CPC at their meeting when they voted or made a motion for the funds. I did request that the funds be, able to be used for other work if there were say bids came in a little bit less and I didn’t know that there was a motion that changed that but seeing I think the opinions in discussions that I hear tonight that I would say that I would go forward with the funding of this project specifically for Mill pond and if there were any additional funds if bids did come in lower than this amount I would go back before CPC for re-appropriation if possible for further funding of the meadow so that would happen at a later town meeting.

MODERATOR: And I’m going to ask when you speak if you could stand both for the microphone people and for all of us so we know where to look. Mr. Arsenian does that satisfy you?

TOBY ARSENIAN: It does indeed. I offer to withdraw the amendment.

MODERATOR: Any objection to withdrawing that amendment? All right, we will now go back to the original motion any further discussion on the motion? You’ve heard the motion all those in favor say aye. Opposed say no.

The motion carries.

Third, \$42,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Pingree Park basketball court.

LINDA SANDERS FOR RUTH GEORGE: I move that \$42,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account to a Pingree Park Basketball Court account, to be expended under the direction of the Director of Public Works and the DPW Commissioners, working with the Community Preservation Committee for the restoration, rehabilitation, and preservation of the Pingree Park basketball court.

Moved and seconded

RUTH GEORGE: The Rockport Department of Public Works in conjunction with the Rockport Recreation Department is requesting \$42,000 for required restoration work in order that the courts are fully used safely by the community. This is the only community basketball court in Rockport. The other courts are located at the school complex. Adjacent to the Pingree courts is a playground area in which fencing also needs to be replaced to make it safer for children. This entire multiuse complex has seen an increase in use since you have helped improve the field and restored the tennis courts located at the back of the property with CPC funds. It is truly a community oriented complex featuring baseball, tennis, basketball, and a playground.

The area is open to the public, when other areas, located at the school complex are unavailable during school hours. We urge you support the completion of this important multiuse complex.

MODERATOR: Anybody want to take a shot at this? Okay you’ve heard the motion. All those in favor say aye. Opposed say no. Still with a three pointer and it passes.

The motion carries.

We move on.

Fourth, \$100,000 to be expended under the direction of the Thacher and Straitsmouth Islands Committees, working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the Straitsmouth Island boat ramp;

LINDA SANDERS FOR RUTH GEORGE: I move that \$30,000 be appropriated from the Community Preservation Open Space and Recreation Reserve account and \$70,000 from the Community Preservation Undesignated Fund Reserve account to a Straitsmouth Island Boat Ramp account, to be expended under the direction of the Thacher and Straitsmouth Island Committee, working with the Community Preservation Committee for the replacement, restoration, rehabilitation, and preservation of the Straitsmouth Island boat ramp.

Moved and seconded.

RUTH GEORGE: The Thacher Island and Thacher Island Town Committee are asking for \$100,000 for the building of a permanent boat ramp on the Gap side of the island. The Thacher Island Association (TIA) and the Town of Rockport Thacher Island Committee want to open up Straitsmouth Island to the public as well to enjoy the rugged beauty of the island, its lighthouse and the recently completed trail system and this important wild life sanctuary. The exterior of the Keeper's house has been recently restored, interior restoration is in process and a barn is under construction to be used for equipment storage and a roof top solar panel array. For the future the intent is to have summer keepers in residence as is done on Thacher's.

Straitsmouth Island is much closer to the mainland than Thacher Island, but is not readily accessible for work crews or the public due to the lack of a safe landing facility. The proposed ramp just across from the Gap will be constructed in the same location as a ramp or boat slip that previously existed for 58 years (1879 to 1937). This will allow the Thacher Island launches, kayakers and other small craft to land at Straitsmouth safely as they do on Thacher's. Permitting for the ramp is in process and should be completed by year's end, with construction of this \$200,000 project scheduled to start in May 2017. The Town of Rockport owns some eight percent of the island including the lighthouse and holds a 30 year lease on the Keeper's house from Mass Audubon. Mass Audubon has been very supportive of and has agreed to this plan.

In addition to many labor hours of the 40+ active volunteers who work on Thacher and Straitsmouth the proposed ramp project will be constructed by an experienced private contractor. The TIA has applied to a number of other funding sources as well as making appeals to its 700 member base for the balance of funds for this project. Approval of the requested \$100,000 of CPC recommended funding will help the TIA to leverage these other potential sources of funding. We urge you to pass this request.

This is one of those requests that we really like to see that has matching funds from other groups to help get these projects done and like all of these groups there's so much sweat equity of volunteers of this town that have made these projects a success and are just a wonderful contribution to the Town of Rockport.

JAMES KING: 149 Granite Street – Question, how much free parking will be provided for those who bring their boats to this ramp?

RUTH GEORGE: There's no parking it's out on the island. The boat ramp will be to access the island from the ocean.

JAMES KING: Would you do that by boat and I don't know about you but to put my boat in the water I'd have to leave my vehicle as a rule because I leave my vehicle and then get in my boat or is this just for the neighborhood so I can just go to my driveway leave it and come back and get in my boat.

RUTH GEORGE: This would be anyone who parked downtown put their boat in and want to land on the island. This would give them access from the ocean onto the island. Now there is no ramp or access to the island safely for people to land.

MODERATOR: Sir, I'm going to cut you off I don't want to engage in a conversation I want to make sure that others have a chance to talk. I can call on you again in a moment.

JAMES KING: No just one question Mr. Moderator

MODERATOR: No hold on please. Anybody else?

MARY MINTZ: So I'm just curious about the financial responsibility of Mass Audubon with the town on this. Do we share the financial responsibility of this project with Mass Audubon or not?

MODERATOR: Ruth do you want to take that one? Anybody from Thacher Island that it might be a bearded doctor? Ah, yes. (laughter)

SYDNEY WEDMORE: 155 South Street – The understanding with the Audubon is they have leased the house to us for 30 years and leased a right of way across the island as they did with the Coast Guard. They will not be assuming responsibility for the ramp on Straitsmouth just as Fish and Wildlife does not assume responsibility for the ramp on Thacher but it's used communally and it is used with the support and collaboration with Audubon.

BETSY CARTER: And I'm not going to win any friends with this but I'm an Audubon member and I'm very concerned if you put a permanent dock there that the island will be overrun with people and trash and what is now a bird habitat will be cut, mowed, no longer a bird habitat and I feel very strongly that birds have a terrible time of it in this world. You know their landscape is worth a lot of money so they don't have very much of it left so I would be horrified if a dock was put there I think that it's okay to leave it as something you sail by on your boat and think isn't that pretty. You don't have to be on top of it you don't have to walk on it. You've already got Thacher Island so I would like to leave the land as it is and leave it for the birds but I think I'm one of one. Anyway.

MODERATOR: And I apologize for not recognizing you more quickly because your shirt and your card matches so I don't see it. Any other comments?

TOBY ARSENIAN: We had a total of how much had been given to Action for their programs and we had a total from June Michaels on what we spent on the Millbrook Meadow projects I'd like a total on what the town has spent on

Straitsmouth Island so far. I think that it's a fine thing for Mass Audubon that we're or perhaps as Betsy Carter said it's a sad thing for Mass Audubon that we're improving their property, Audubon's property. I too have been a member of the outfit for many years I wouldn't worry about them they're doing just fine it's we who are being taken advantage of by our own choice. When we appropriated money for the various churches to restore their steeples and so forth a great point was made of the fact that these places were open to the public and a service to the public but here we have an island which is necessarily for the precious few who have boats in such a town there may be more than a precious few but still it's a select community. The rest of us can't get out there. I'm about to be told that if we pay for this expensive ramp that perhaps they'll provide service out there to take the public out as the Islands Committee does to Thacher Island and indeed that's a fine service and makes that place, you know, more available to the public. Do we need two such escapes for the town and remember 30 years and it's not ours. I think it's an extravagant and unnecessary way of spending money and once we spend money on the ramp it's the thin end of the wedge and we will be invited to spend more money on both the house and further improvements to the island. If you want to go out and roll around in the poison ivy we have Thacher Island ready and waiting for you already. (laughter/applause)

MODERATOR: Toby, I'd be glad to take you out anytime, not a problem.

MEL MICHAELS: We have thus far given a total of \$75,000 to Straitsmouth Island; \$25,000 for the lighthouse and \$50,000 for the Straitsmouth Keeper's House.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no. Eww..eww, okay now all those in favor please stand for a moment. Okay. Thank you. Now all those opposed please stand.

The motion carries.

Fifth, \$38,000 to be expended under the direction of the Department of Public Works working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the South End tennis court at Long Beach;

LINDA SANDERS FOR RUTH GEORGE: I move that \$38,000 be appropriated and transferred from the Community Preservation Open Space and Recreation Reserve account to a South End Tennis Court account, to be expended under the direction of the Director of Public Works and the DPW Commissioners, working with the Community Preservation Committee for the restoration, rehabilitation, and preservation of the South End Tennis Court at Long Beach.

Moved and seconded

RUTH GEORGE: The Town of Rockport Recreation Department and DPW and the selectmen's office are requesting \$38,000 for the repairs and reconstruction of the tennis court located on town owned property on the access road to Long Beach listed as Old County Road, Rockport. This tennis court has been in use for over 90 years by families in Rockport. Last know repairs were done in the late 1970's. The Long Beach Improvement Association has currently donated \$12,000 to the Town of Rockport for the repairs towards the court as of June 10th, 2014. The selectmen's office has worked with the Community Preservation Committee on three aspects that we wanted addressed and finalized before we brought this project. Town administration has met with Mr. Pratt for a proposed expansion adjacent to the tennis court. The plan is to locate two spaces that will be reserved from sunrise to sunset seven days per week for Rockport residents to use the court – there's one court. These areas will be addressed at the time of the tennis court repairs and reconstruction process. They also agreed to the use of two placards that the town will create and his staff will issue to those who come to use the court. Any abuse of this for beach parking will be reported to the Rockport police who will enforce the parking rules and thirdly, town residents will not be charged seeking to use the court for access to the two tennis court spaces.

We urge your support of this project to get this court back up and open, presently it's closed, and enjoyed by all Rockport residents for tennis, in the off season it's used by kids for skateboarding, street hockey and basketball. Thank you.

TOM DELANEY: 70 Eden Road – What else are we going to get out of this besides two parking spaces and you know I mean if they're giving us such a hard time about using the beach down there why are we giving them a tennis court to use?

RUTH GEORGE: This has nothing to do with the (law)suit down at Long Beach. This is our property and this is on Rockport property. This is a condemned tennis court that is dangerous. It is all, I mean even the weeds aren't growing there. There are cracks. The walls have fallen, the nets everything has fallen down around itself. It is in such derelict repair and to get it back up we thought the best thing to do was make it accessible and remind people that it is down there. It is not a Long Beach private tennis court. It is your tennis court. It's where people on Highview Road can go down there and teach their kids tennis and kids can play from other places in town. It is a town-owned property and has nothing to do with the suit and that the people down there have given, raised, of those cottages \$12,000 and passed it over to the town. Just like, I try to liken it to Old Garden Beach group who help maintain Old Garden Beach. Those people have done sweat equity in helping to make the beach and the parking lot and the park next door that's what these residents down there have tried to do to that tennis court to bring it back and put their money in it for the town to help us get it back so we all can enjoy it.

HERMAN LILJA: 6 Bayridge Lane – By point of information and by virtue of perhaps informing some people of what's going on there has been a lot of interest in the tennis courts in Pigeon Cove of late because they are the top surfaced courts in town. Had the courts near the high school been updated so that they are also equal now to those in Pigeon Cove because my understanding was that that was the place where tennis players went to play so I would think that if money needs to be spent on tennis courts we should consider making sure that the courts around the high school are appropriately surfaced and then we go to this court that has not been surfaced.

MODERATOR: Let's lob this over to Mr. Michaels.

MEL MICHAELS: I didn't even want to talk today. Money has already been appropriated for that sir and it's in the works. Money from the CPC.

MODERATOR: In the back, a tennis player from way back.

PHIL CHALMERS: 68 Eden Road – I'm confused about the location of this tennis court. Apparently it's not off of Seaview Street and isn't the other access a private road?

RUTH GEORGE: Yes, it's a private road and as I said in my statement, the town administration has met with Mr. Pratt who owns that piece of property as a toll road and he has agreed to not charge residents to park in those two spaces to play tennis. We will design some type of a placard that he will keep there. They will hand out to the two cars that are going to play tennis and have spaces appropriated right next to the tennis court that's all bushes and everything make two places there people will put their placards in and they will not be charged to go back and forth when they use those courts and they also can walk into them I mean it is on sort of the Gloucester side of Long Beach I mean it's on that end but people can park over on Seaview and walk through or residents down there can play but we have tried to think of making it like every other tennis court in Rockport. You don't have to pay to park so I think we've squelched that and made that very even in all the other courts. The other thing too is that we have Pigeon Cove tennis courts but the Rockport courts are only available when school is not in session. It's always good, you know, during the day if someone wants to play we'll only have the Pigeon Cove courts right now. We will have the additional one down on South End. I like to refer to it as the South End tennis court because we have one in Pigeon Cove, one here at the complex and one in South End so we have three that will be open now that will be available for people and they're all – we've just finished doing the other two this will be the final one to be done.

SARAH WILKINSON: From the Board of Selectmen – I just wanted to give a little bit of history. Several, I forget how many years ago it was that the Carbones and the Long Beach Improvement Association came to the Board of Selectmen and they had actually raised all of the money they thought needed to improve the tennis courts for the whole town's use and at the time I believe we approved it and were really excited that they had raised all the money and you know the whole town would have access and then it turned out that because it was on town property that they would have to, this is actually similar to the situation that we just ran into with the new DPW facility because it was on town property they would have to pay prevailing wages so the cost was like three times as much as had been estimated therefore this became the best kind of use of this you know to make it happen. I would also like to say that I think of this project as just more increased recreation for our kids. I happen to live on Highview Road and I know a whole neighborhood of kids that would love to walk down after school and use tennis courts. It takes us like 20 minutes to get over to Pigeon Cove because we can't use the school courts when school's in session and when by the time you get over there if the courts are being use the courts are being used so this would actually add a whole other kind of recreation area and we're working to improve access to it.

MODERATOR: Yes mame and then yes sir (audience noise) oh you won't let him speak huh? I know how that is.

HEATHER CARBONE: 29 Long Beach – You've got a wife too right? (laughter) I applaud the CPC and Ruth George for her help in making this tennis court happen and the Board of Selectmen and as they know I have been working on this project for eight years. I have fundraised every bit I can with the neighbors and with the community to raise the \$12,000 to start this project and as we were just told that I didn't know about prevailing wages. I have learned so much through this project. I do not play the game of tennis. I did this because my father-in-law who is deceased played many years on that court, had a great time, kids were taught to play tennis my brother-in-law was taught on that court and is now the coach at, was the coach at the University of Kentucky now owns his own place in Lexington Kentucky. Numerous children have learned to play on this court. You never know where the next Chrissie Everett or kid is going to come from it could come from our community. When I presented it to the board, I did this, I made this up (holding up supporting material) this is the current status of our tennis court that we own here. It is hideous with tree roots. It is unsafe yet kids still play on it even though it's closed off. It has been in our community since the early 1900s. People have maintained it on their own before we became such a litigious society. We need to have as much athleticism in this town to keep our kids healthy, to keep the adults healthy and to just create good sportsmanship. We are one community we are not this end of town or that end of town we are one community and so I please ask you for your support in this. (applause)

MODERATOR: And I would just like to remind everybody that our bylaw forbids bringing in literature or displays like that so poke your eyes out all of those people who have seen this if you would. Yes sir – no displays right?

RICHARD CARBONE: 29 Long Beach – I just want to mention that the youth of Rockport use this tennis court not just the people at Long Beach. People play street hockey, basketball, tennis as Sarah said the youth come down and find that court on their bicycles. I was out there last week and there's about 40 kids on their bikes playing street hockey having a ball. My brother Thomas Carbone is a pediatrician here in Rockport and Gloucester for the past 25 years. These kids need to work out. They need exercise and this is the place to do it in the South End. Thank you.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

MODERATOR: Sounded like 45 – love or something. Okay – sixth motion:

Sixth, \$300,000 to be expended working with the Community Preservation Committee, for the replacement, restoration, rehabilitation, and/or preservation of the historic Pigeon Cove Fire Station;

LINDA SANDERS FOR RUTH GEORGE: I move that \$100,000 be appropriated and transferred from the Community Preservation Historic Preservation Reserve account and \$200,000 from FY2017 Estimated Annual Revenues of the Community Preservation Fund and be expended under the direction of the Board of Fire Engineers, working with the Community Preservation Committee, for the restoration, rehabilitation, and/or preservation of the Pigeon Cove Fire Station.

Moved and seconded.

RUTH GEORGE: The Rockport Fire Department has requested CPA funding in the amount of \$300,000 for the exterior restoration of the existing Pigeon Cove Fire Station. The firehouse was constructed circa 1884 following an appropriation of \$600 at town meeting “for an Engine House in the Cove” and has remained in continuous service since then. Pigeon Cove Station is believed to be one of the oldest operating wood framed firehouses in existence. The station is also one of the most significant historical structures in Rockport. The building has been designated as a local landmark by the Rockport Historical Commission and one the department believes would be eligible for listing on the National Register of Historic Places.

This request intends to address significant condition issues related to the exterior envelope of the station including wood siding and trim, roofing, signage, doors and masonry reconstruction. The intent of the work is to restore these elements to the greatest extent practical following the Secretary of the Interiors Guidelines for the treatment of historic properties as a condition of receipt of CPA funding, if approved. This proposed work will protect the building and ensure its long term use by the department.

As you know this is a very small building. The town has been looking for another area for a fire station over in Pigeon Cove for many years and nothing has panned out and we have had to – for the last few times we have bought a fire engine over there we have had to have it specifically made to fit that station. These men and women who work over there are volunteers who help protect our homes. It’s time we helped protect theirs. They are over there drilling and meeting all the time. There are areas where rain is pouring in causing damage to the engine and to where they’re working in trying to protect us. So we recommend this money appropriation to restore the outside of the building. Thank you.

HANK BETTS: 13 Penzance Road – I assume that I know that we need to do this because of lack of maintenance. Is there a plan going forward to maintain this facility or how will it be maintained so it really will last? I think that’s a fair question.

STEPHEN DEMARCO: 205 Granite Street – As you can see I’m a member of the Fire Department and before I answer your question I just wanted to take one minute to recognize the other members of the department that are here in attendance tonight – up in the back, to the right and the left, if you guys wouldn’t mind raising your hands. (Applause) It’s always difficult to know what the future holds and like any other building in town the Pigeon Cove Fire Station is under the direct control of the DPW. Obviously with an investment of money in this amount the expectation I think on everyone’s part is that the long term maintenance of the building be something that saves on DPW’s radar for the foreseeable future if not forever. I just wanted to give you a quick little bit of background to kind of build on what Ruth had said and I should tell you I’m also a member of the Community Preservation Committee but back in 2008 and 2009 a group of people were charged by the selectmen to begin the process of trying to find a new location for the Pigeon Cove Fire Station on the assumption that it might be time to move and over a series of many months and many meetings we managed to distill the available properties in Pigeon Cove down to 12 candidate sites and of those 12 sites only three of them actually had any practical reality of becoming a possible location for the station and since then all three of those I believe are no longer even available. As Ruth mentioned the town’s appropriated and spent \$400,000 on a new frontline pump that was specifically customized to fit in the station and our belief is that if approved tonight the \$300,000 that will be spent on the exterior of the building would firmly convince the people that the town is not really going anywhere when it comes to the Pigeon Cove Fire Station and we will be there for the seeable future and again, if not forever.

I would also point out quickly that this work and everything that’s associated with it from now until the end of construction is going to be overseen by the Board of Engineers and members of the department with the assistance of the town administrator’s office and the DPW and that we will be providing design acquisition services, construction administration services, development of an RFP to select the designer to put the bid documents together and we intend to see the project through until its eventual completion; that in effect is our sweat equity so I would ask you to please seriously consider our request and vote favorably.

FREDERICK TARR: 154 Main Street – As a retired member of the department I certainly back this measure I’ve seen it but I think this brings up another need that has popped up from time to time in this town and that is we have had several supposedly committees on the restoration and preservation of town buildings and their conditions. Now this - nobody’s ever seen a report from any of these committees and I would charge the DPW, the selectmen, Community Preservation and everybody else to get on another building study committee which would report to the town and before buildings get into the condition that this one is in and the other one is getting into..report to what (inaudible) schedule repairs needed when they are going to be needed, how it fits into the budget, and have some kind of a schedule for town-owned property and how it fits into the finances of the town and the finances of the Rockport taxpayers but this is immediate need. It’s got to be done and I endorse this proposal. Thank you.

HERMAN LILJA: I support this proposal wholeheartedly on the one hand and with reluctance on the other. I see \$300,000 going into a building that should be replaced as opposed to updated. I would hope that this audience and the rest of the town would remember that this building still needs to be replaced and that this \$300,000 that’s being spent should

not then ensure it to be looked upon as adequate for the next 15 or 20 years that would be a big mistake so therefore if the properties on either side of the fire station one has been for sale over the course of the past five years I believe since we returned to town on..if one of those properties comes up for sale the town should seriously look at the acquisition of that piece of property admittedly that's hundreds of thousands of dollars just to get the property but there may be some division being on the Planning Board and knowing a little bit about the division property it might very well be that the town could buy one of those pieces of property and divide in a way that then would allow them to re-sell the property that they bought if only to give adequate space to a new station at that same location but please, please do not think that this is the long term answer to the fire station in Pigeon Cove. Thank you.

BARBARA SPARKS: 22 High Street – I am sorry that I cannot support the CPC recommendations to approve \$300,000 for exterior repairs to the Pigeon Cove Fire Station. I know how much time it takes to apply for funding – from putting together an application, to making presentations, to recruiting support. The Fire Department and the CPC have both been diligent in this lengthy process. The proponents of the request have been open about the limitations of the existing structure to serve its purpose. It cannot adequately accommodate even specially ordered small-sized engines, and firemen must board the vehicles after the vehicles have been pulled out into Granite Street, a very busy stretch of highway with poor sightlines. Public safety is one of the most important functions of town government. Without question, our tax money should be spent to protect our citizens and their property.

But I raise two objections: First, will repairing the exterior of the building render it fit for continued service for many years to come? The requested funds will not be able to fix the inherent flaw in the structure – its size. 2. Community Preservation Funds are not a fallback pot of cash to be tapped when tax revenue generated funds are scarce. CPC funds are usually used for projects that would not otherwise be funded. They are usually used for projects to which the public has access. They are not used for maintenance. They are usually not used for the functions of town government. I think most of us will agree the fire department has made a case for the need for maintenance of the existing fire station. But the real issue is the need for a new fire station. I don't think the desired result will be achieved by following this path.

Instead, I would suggest that the Capital Improvement Planning Committee put aside money every year toward acquiring an appropriate building or building site, for a new fire station. Properties come on the market all the time. By planning ahead and building up funds, when the right property becomes available, the town will be in a position to act quickly. Only then will Rockport have a fire station that will serve its purpose, in a facility that is safe for our firefighters. Let's not make a poor investment by repairing an inadequate building. (applause)

MODERATOR: I believe I see Ann-Margaret Ferrante in the back so I'd like to recognize her and thank her for her service to the town. (applause) At least that was pointed out to me. Anybody else?

PAM FOX: 10 High Street – We have spent \$200,000 for sports to entertain our children and to entertain people on tennis and we didn't blink an eye and we won't spend money to help our firemen who help put out our fires and save our lives? That really makes me mad. Where are our priorities? This building was said to be almost historical and it might go on the Historical Register. At least if they want something new it may come in the future we can work toward it but right now they need help and I would rather give up a tennis court and help restore our firemen, our building. Thank you. (Applause)

MODERATOR: Let's hear from one of those firemen.

PHIL TANSON: 15 Prospect Street – I am proud to say that I am the captain of the Pigeon Cove Fire Station for the last 30 years. Can everybody hear me? (laughter)

MODERATOR: Oh yeah. They can hear you in Gloucester. (more laughter)

PHIL TANSON: I'm trying to reach out to all the residents in Pigeon Cove, so the north village - Pigeon Cove Station. I've been a member for 30 years and it is my second home. What do I mean by second home? A lot of people may not realize what we do. We know we're volunteers 24/7 whenever a call comes in, we take off on that call, but during the storms of 2015 I actually spent more time at the fire station in that month of February than I did at home. Why was I there? The chief wanted guys manned at the station because the storms were so bad that we couldn't get out in our vehicles – wanted to make sure that we could get there to respond and protect the citizens of Rockport. The DPW does a great job clearing the roads for us to get there but we have to shovel our driveways to get to respond and that takes time and minutes. Just to clarify a few things we have on two trucks at Pigeon Cove Station. We have an engine 2 and a combination. The combination is the smaller of our two trucks, it's a rescue truck and that we can get everybody inside the station can jump in the truck and we can roll out. The engine 2 is our bigger pumper which we had custom made just because of the height – we're like about eight feet, we had it custom for the height to get in there. We can pull engine 2 out, the nose just a little bit and there's just one spot on the truck which happens to be the officer's spot and the passenger so we're not actually way out into the road. We nose out a little bit, the officer jumps in, everybody else is in the truck and away we go so it's a great project we want to continue to serve for many, many years out of that station. Location-wise other than being on the corner it's equal distance to Folly Cove and also equal distance to Rockport so we're kind of right in the middle so it's a great spot to be. Like I said, we train a third Wednesday of the month and we have meetings on the first Wednesday so we invite you guys to come down – take a look at that station and really see what we work at. I know we're voting tonight but it's always open for you to come in and so once again I hope you will support – we want the best for the Town of Rockport and we actually need to stabilize that building where the roof is leaking, all the fascia boards, gutters etc. are rotting apart so we want to continue for that to be our home for a good many years. Thank you. (Applause)

JUNE MICHAELS: For the Finance Committee and I'm currently the Chair for the Capital Outlay Committee too. I want to clear up something. This is not going to solve the problem of the fire station being too small. We all know that as the town grows we are eventually going to need a larger more modern fire station in Pigeon Cove. This is not being used for maintenance either. This project is only dealing with the exterior of the building, the woodwork. It is going to be to

maintain the historic look of the building and frankly to prevent any further deterioration of the historic building. None of this money is going for the interior services. None of it is going to make life easier for the firemen in how they use the building. This is a historic renovation that is proposed and that's why it's being paid for from Community Preservation funds. I myself have personally tromped around at least three different proposed sites for a new fire station and it is – it's on the schedule but it is very hard to find the right piece of land. Actually designing a small fire station and building it is easier than finding the right piece of land which we have been unable to do because it has to be on Granite Street, it has to be central, it has to be in other words prime real estate. We can't put the Pigeon Cove Fire Station down on the end of Thatcher Road for example. It's got to be somewhere in central Pigeon Cove. Thank you.

ZENAS SEPPALA: 92 Granite Street – I have a real question in so far as whether or not this money is solely for exterior cladding and if not has anybody looked underneath the sheathing to assess the condition of the structural members, the studs and so on and such. I'll just give a little slight thing in 1965 if we remodeled a shed with Andersen windows and stuff and they leaked and over the course of about 40 years it got so that when you opened the door the wall went half way opened with it and when I finally did take those shingles off I looked down and saw that half the studs had actually rotted away and so consequently rather than just sheathing the building I had to prop it up and put some new studs in, put a new sole plate in and things like that so really what I'm really asking in light of the fact I thought that the former chairman of the Planning Board made a very good point you're preserving something that is not adequate in the long run but at any rate I would like to know if the proposed repairs are just... can be said with certainty to just reflect the exterior cladding or is there any structural involvement that might necessitate even more..comprehensive repairs? I just want to..

MODERATOR: (interrupts) Thank you. Sorry to hear about your shed (laughter). (SEPPALA: That was my problem) Anybody answer that? Then I think I'm ready to vote.

STEPHEN DEMARCO: Thank you. To your point the application that was submitted to the CPC actually did include a certain amount of money to repair or replace sheathing and framing associated with the roof and the siding. We have no way of knowing the exact condition of every piece of lumber in the building and I think it's an oversimplification to say that we're literally just stripping the smallest amount of the exterior face off of the building, the existing vinyl siding will be removed. The trim that's rotted will be taken off the existing roofing will be stripped away and then an assessment in full of the condition of the sheathing will be made and the allowances that we've included in the application we believe should be adequate to affect those repairs. The entirety of the roof structure is actually visible from the third floor of the building from the inside it's not covered in any way with plaster or drywall it appears to be relatively sound but if anybody has had their roof replaced they certainly know that once the shingles come off there's always a certain amount of rough carpentry work that has to be undertaken.

MODERATOR: All right you have heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

I'd like to thank Ruth and her committee for all their hard work and diligence on all of these projects. (Applause)

We have Article K followed by Article J.

ARTICLE K (4): To see if the Town will vote to accept the provisions of General Laws Chapter 40, Section 8J relative to the establishment of the Rockport Commission On Disability; or act on anything relative thereto. (*Board of Selectmen*) (*majority vote*)

LINDA SANDERS FOR PAUL MURPHY, CHAIRMAN OF THE BOARD OF SELECTMEN: I move that the Town accept the provisions of General Laws Chapter 40, Section 8J relative to the establishment of a Rockport Commission on Disability.

Moved and seconded.

MODERATOR: You've heard the motion. All those in favor say aye. Opposed say no.

The motion carries.

ARTICLE J (5): To see if the Town will vote to authorize the Board of Selectmen to grant, on behalf of the Town, on such terms and conditions and for such duration as the Selectmen deem appropriate, a permanent easement to the owner of property located at 7-11 Old Harbor Road over a portion of the Town-owned parcel of land shown on Assessors Map 36 as Parcel 104 and described in deeds recorded with the Essex South District Registry of Deeds in Book 5156, Page 630 and which portion is shown more particularly on a plan entitled "Plan of Land, 7-11 Old Harbor Road, Bearskin Neck, Rockport, Mass" prepared by Benchmark Survey, dated August 9, 2016, which plan is on file with the Town Clerk, said easement to be granted for the purpose of allowing said owner to retain the portion of his porch that onto said Town property; or act on anything relative thereto. (*Board of Selectmen*) (*2/3 vote*)

LINDA SANDERS FOR PAUL MURPHY: I move that the Town authorize the Board of Selectmen to grant, on behalf of the Town, on such terms and conditions and for such duration as the Selectmen deem appropriate, a permanent easement over a portion of the Town-owned parcel of land to the owner of the property located at 7-11 Old Harbor Road shown on Assessors Map 36 as Parcel 104 and described in deeds recorded with the Essex South District Registry of Deeds in Book 5156, Page 630 and which portion is shown more particularly on a plan entitled "Plan of Land, 7-11 Old Harbor Road, Bearskin Neck, Rockport, Mass" prepared by Benchmark Survey, dated August 9, 2016, which plan is on file with the Town Clerk, said easement to be granted for the purpose of allowing said owner to retain the portion of his or her porch onto said Town property and that is presented on pages 35,36,37, 38 of the *Fall Town Meeting Voters Booklet*.

Moved and seconded.

PHILIP HOPKINS: 18 Middle Road – Just a quick question on this does this permanent easement, is this in line with what’s typically granted to that property? I once lived in that building and I know that one of my neighbors here is a commercial tenant as well. Does the easement have restrictions on this? I see that it was mainly for a deck or for a balcony but is this something that could at some point become a parking space or other things within that?

LINDA SANDERS: The easement is specifically for an overhanging porch. If you’re familiar with the building you know that – I thought we had plans that actually showed a little bit of the porch is overhanging – (referring to slides) okay the next one is even larger that you can see. See the little bit of porch over at the edge hangs over Old Harbor Road. It doesn’t impede anything. It’s just in a little air space that’s all the easement is for it’s not for any other part of the building.

TOBY ARSENIAN: I’ve not done the homework and I’m reassured to see that the building is on the landward side of Harbor Road. I had the mistaken impression it was on the seaward side and we were talking about something extending over the town’s property at Old Harbor so I’m losing my wits but in any case in the last sentence it says “said owner to retain the portion of his porch that onto” you need the word “extends” and I move that we add the word “extends” between that and onto in the last sentence and then it will make sense.

MODERATOR: Moved and seconded – any discussion on that amendment? All those in favor of that amendment the word “that” – (background noise) - “that *extends*” – any questions are that? Did I clear that up? (Discussion at the podium between the Town Administrator and the Moderator.) Moderator: **that extends**. Any questions as to that amendment? All those in favor of making that amendment please say aye. Any opposed? The amendment passed.

Okay now we are going to consider that motion as amended. Any further discussion on that?

JANICE GOODWIN: 6 North Road – Not to be obtuse but just how far out does that property extend? I can’t make it out from the diagram.

MODERATOR: Any surveyors? Can I have an estimate Linda?

LINDA SANDERS: I thought the attorney was going to be here to answer those questions.

MODERATOR: Is Paula FitzSimmons here? (in the back) I have preauthorized you to speak so come on down.

PAULA FITZSIMMONS: Good evening. As your moderator said I am Paula FitzSimmons and I represent the property owner. The question is – can you go back to the other plan? (slide) – yeah, honestly I’m going to have to get closer I don’t know (walking away – inaudible)

MODERATOR: It’s been estimated to be about a foot.

PAULA FITZSIMMONS: It’s a little bit more than that because if you look at the..I’ll be official I’ll pull out my pointer.

MODERATOR: Is it less than three feet, Paula?

PAULA FITZSIMMONS: I can’t see the scale to be honest with you.

MODERATOR: Do you have a pointer Linda?

PAULA FITZSIMMONS: Here’s the pointer – so that’s the deck. The property line is right here. Easement area is here. If I can add a little bit of history. The property owner bought the property in 1964. Between 1964 and 1967 from the best we can tell from the records they went to the building inspector they found out there was this encroachment and actually the deck wasn’t on the second floor it was on the first floor so it came out onto the street. They went in front of town meeting in 1967 and were given a lease on the property so every year their lease has been renewed for access over that odd shaped area. Now when you go to sell the property the problem is there’s an encroachment onto the town land which makes the property virtually impossible to sell because you can’t get a mortgage.

PETER GOODWIN: 6 North Road – Would you put, Linda would you put back the photograph you have there and you want to look in your booklets. You’ll see in the middle of that area that lady described there are some steps indicated as little barred lines, few bars in the middle and that – these are the steps that you’re seeing right here. Yes. It would appear to be from what I know about this property and the drawing that the outline is roughly approximates these stones in the foreground. That is you draw a line that encloses the stones from the left hand side of the photograph to the right hand side of the photograph that pretty much gives you the idea of what’s there or what the easement would be.

PAULA FITZSIMMONS: You are correct. PETER GOODWIN: Thank you.

MODERATOR: Oh I see Senator Tarr in the back and I’d like to take a moment for everybody to recognize him. (Applause) He is ready to kiss babies or do anything if you want to in the back.

Any other questions from a non-Toby? Yes.

PEGGY YOUNG: 9 Oakland Avenue – I guess my question is if you go from the rocks back towards the step that’s all property they are currently using and have access to and that the general public has no need to go on. Is that right?

TOBY ARSENIAN: I can actually see the plans now, sitting across the room you can't see them. Less than a month ago at a Board of Selectmen's meeting somebody came before the board or rather didn't appear and the Board of Selectmen were granting a permanent easement for an encroachment over a wall at Front Beach and so such things seem to be dealt with in different ways. In this case as the attorney to my right has just said they can't sell the property. I think it was the same story then too. I'm not suggesting that we should hold them for ransom but we're not even being told how much the town is going to get and worse than that there aren't any standards. As far as I know no member of the Board of Selectmen is an expert on valuing real estate or value of rental estate either and really we need a real estate committee as we have an insurance committee but even more than that we need some objective standards when it comes to parting with town property. It is indeed a fine thing for the applicant if we bless this arrangement and the selectmen are not telling us anything about what we're going to get in the way of considerations. I would like to ask that question. What are we going to get because we're parting with something valuable. If it were your property or you were trustee of a trust for let's say your brother's minor children or your grandchildren and you were asked to make such an arrangement you wouldn't simply hand it over for nothing. I'm not suggesting we hold them to ransom but the town should be getting something and more important in the long run there should be some standards as to how we value such property and what we should get. So I think the whole arrangement is, you know, worse than shoddy and if we say no to it tonight we're injuring somebody. I don't know that we want to do that. On the other hand we're backed into a corner as we were with the Pigeon Cove Fire Station and making a choice that may not be the right one.

FRANCES FLEMING: 12 Pleasant Street – I find I'm confused because it seems like the property line would...we have houses where the front door opens right on to the sidewalk on Bearskin Neck so if the property line was going to the base of the stairs and they removed those little curvy rock walls and the chairs they wouldn't be encroaching on town land it would seem from the plan that we have and if the property line went along the road the base of the stairs they would have their property and the staircase they just wouldn't have the little flowerbeds and the chairs in front or am I misreading it?

PAULA FITZSIMMONS: You actually are misreading it. If we go back to the other plan – it's the whole.. the easement area is this whole area. This is where the deck and stairs are so and this is the easement. *This* is the owner's property line there so there's that area right in between here.

MODERATOR: If it were half a hockey rink it would be everything behind the goal line.

ED HAND: 20 Landmark Lane – Mr. Moderator, if I look at this drawing and I think Frances just said it to a large extent if the property line is that vertical line, the black dark one, I'm not too sure why the easement (is) all the way out you're coming overhanging the deck that's the deck above there's no lower deck. It's really just landscaped as somebody said rocks sticking out that's why I originally thought it was just the part sticking out there beyond the curved line. I see no reason why the easement has to be that size. It makes no sense to me because it's just additional land that they're taking that does not..if you brought the outer line to the left there back to where the deck is that's the part we should be talking.

MODERATOR: Yes we will get you a microphone pronto. I think we should give a great round of applause for our microphone people.

RENEAU LONGORIA: 7 Boulder Top – I think one of the things that's important to point out is that this is an easement it's not as if we're deeding the property to the homeowner. This is something that has been in existence since the 60s and by granting the easement I don't think the town should look for consideration. They're basically avoiding a legal fight they're avoiding the financial consequences of a fight with the homeowner who has been using this property since 1960 and the reason I would imagine that the easement is drawn to include everything that has been used is that's just exactly what the homeowner's asking for is to continue to be able to use the portion of property or the portion of town land that they have in fact leased since the 60s so I don't think that we should be looking for consideration. I don't think that it's not something that's been well thought out. It's something that has been designed to reflect reality as it has existed since 1960.

PAULA FITZSIMMONS: The only thing I will say is that you are correct. We were able to find a plan from 1958 that showed that exact area of easement and that's why we chose that to be consistent with what had been leased since 1967.

WILHELMINA SHEEDY, SELECTMEN: We have granted licenses and leases and easements for this type of situation down on Bearskin Neck and the surrounding areas because before zoning was enforced many people in that tight area put their stairways maybe their gardens in the front. Some decks overhanging I know behind the Prince and the Pauper building were granted easements and certainly in this case where an easement has been granted, a lease, a lease granted previously the town had given permission so I..if it were something new that would be a different thing but we've done this before and we've done this for many other people. Thank you.

STEPHANIE WOOLF: 6 Point de Chene – I have two questions the first is it's not just an overhang but stairs also am I correct? Yes, so it's not just an overhang easement it's also a structural easement and my second question is is this easement permanent or does it have a lifetime? I know one in my neighborhood had one for 27 years or some such so is this permanent that you're applying for?

MODERATOR: The answer is yes to permanent. And we have a gentleman in the back, to the side right there.

JOSEPH STIGLIANO: 7 Gale Avenue – There seems to be a difference between what's written here and what's illustrated here because the motion says to retain a portion of porch amended to...I can't read my writing..the amendment was to extend, that extends onto the town property but what's illustrated is very different from the language. Is there some explanation for that?

MODERATOR: Apparently not. All right in the back – top – Laurie. And I sense you’re getting ready to vote.

LAURA MCKENNA: 31 High Street – If we were to grant this easement does that mean the owner or the new owner of the property can now build out to fully into that easement area in the future or are they going to be restricted to what’s there already because if they’re going to be allowed then to build out onto it I’d probably be against this.

DARREN KLEIN: Town counsel through the Moderator – No it’s limited in the motion – to be granted for the purpose of allowing said owner to retain the portion of his or her porch onto said property so it’s not, the easement would not allow it to be built up.

MODERATOR: Alright – this needs a two-thirds vote and my sense that we are ready to vote. All those in favor please raise your placard. Thank you. All those opposed the same sign.

The motion carries by more than two-thirds.

ARTICLE F (6):To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds a sum of money to fund the fiscal year 2017 cost items contained in the separate collective bargaining agreements between the Town of Rockport and the following unions: AFSCME Council 93, AFL-CIO Local 1679 Municipal Employees General Unit and AFSCME Council 93, AFL-CIO Local 1679 Supervisors Unit, the Rockport Superior Police Officers’ Association, Local 154A, and/or Rockport MassCop, Local 156 (Patrol Officers Unit); with each agreement covering the term of July 1, 2016 through June 30, 2019; or act on anything relative thereto. *(Board of Selectmen) (majority vote)*

There was no motion under Article F.

The Chair will entertain a motion under Article A.

ARTICLE A (7):To see if the Town will raise and appropriate, or appropriate and transfer, a sum of money to pay unpaid bills of previous fiscal years; or act on anything relative thereto. *(9/10 vote)*

LINDA SANDERS FOR WALLY HESS OF THE FINANCE COMMITTEE: I move that the Town appropriate and transfer from the North Shore Vocational-Technical School Assessment account, the sum of \$805.84 to pay the unpaid bills and adjustments from the previous fiscal year of \$70.00 to Seaside Graphics, Inc., \$100.00 to the Legal Expenses account, \$350.60 to the Granite Pier Other Charges account, \$78.84 to Comcast, \$44.07 to ACE Hardware and \$162.33 to the Zoning Board of Appeals Legal Notices and Advertising account.

Moved and seconded.

MODERATOR: You’ve heard the motion. Any discussion? All those in favor say aye. Opposed say no.

The motion carries. The vote was unanimous.

MODERATOR: Do we have any objection under Article B if we omit reading all of those? Does anybody, can everyone see those various items? Okay.

ARTICLE B (8): To see if the Town will vote to raise and appropriate, or appropriate and transfer, a sum or sums of money to add to the appropriations made under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 2, 2016 Annual Town Meeting or to reduce appropriations made thereunder; or act on anything relative thereto. *(majority vote)*

Amount	From	To
\$ 1,560.00	IS&T Networks Manager Salary	Town Accountant Salary
\$ 0.56	Building Inspector Salary	Assistant Town Accountant Salary
\$ 0.27	Assistant Treasurer Collector Salary	Principal Assessor Salary
\$ 0.42	Payroll & Benefits Specialist Salary	Treasurer Collector Salary
\$ 1,000.00	Elect/Plumb/Gas Inspectors Salary	Treasurer Certification Stipend
\$ 0.24	Assessors Stipends	IS&T User Services Specialist
\$ 11.87	Assistant Harbormaster Salary	Town Clerk –Registrar Stipend
\$ 22.02	Assistant Harbormaster Salary	Registrars Stipends
\$ 920.58	Contributory Pension Account	Conservation Agent Salary
\$ 179.42	Elect/Plumb/Gas Inspectors Salary	Conservation Agent Salary
\$ 14.10	Assistant Harbormaster Salary	Police Lieutenant Salary
\$ 0.02	DPW Office Mgr Salary –General	Police Office Manager Salary
\$ 0.30	Council on Aging Director Salary	Fire Chief/Fire Inspector Salary
\$ 65.46	Elect/Plumb/Gas Inspectors Salary	Forest Fire Warden Stipend
\$ 2.29	Assistant Harbormaster Salary	Ambulance Director Salary
\$ 68.16	IS&T Technical Support Salary	Ambulance Special Labor Wages
\$ 37.70	IS&T Technical Support Salary	Animal Inspector Stipend
\$ 0.10	Accounting Support Specialist Salary	Emergency Mgmt Services Director
\$ 2.50	Assistant Harbormaster Salary	Deputy Emergency Mgmt Director
\$ 180.00	Contributory Pension Account	Animal/Dog Control Officer
\$ 299.43	Contributory Pension Account	Shellfish Constable Stipend
\$ 500.00	Contributory Pension Account	Harbor Advisory Comm Clerk
\$ 0.31	Moderator Stipend	DPW Director Salary -General
\$ 0.15	DPW Office Manager Salary -Water	DPW Director Salary -Water
\$ 0.16	DPW Office Manager Salary -Sewer	DPW Director Salary -Sewer

\$ 0.02	IS&T Director Salary	Fog Inspector Stipend
\$ 0.58	Field Coordinator Salary -Water	GIS Program Manager -Water
\$ 0.58	Field Coordinator Salary -Sewer	GIS Program Manager -Sewer
\$ 200.00	Contributory Pension Account	Community House Facility Mgr
\$ 3,500.00	North Shore Voc-Tech Assessment	Long Beach Block Wall Repairs
\$30,000.00	Contributory Pension Account	Animal Control Van
\$15,000.00	Contributory Pension Account	Supplemental Audit
\$30,350.00	North Shore Voc-Tech Assessment	Emergency Communications Sys
\$ 2,360.00	Long Term Debt Interest -General	Long Term Debt Interest -Water

LINDA SANDERS FOR WALLY HESS: I move that the Town amend the votes taken under Articles 5, 5A, 5B, 5C, 6, 6A and/or 6B of the April 2, 2016 Annual Town Meeting by transferring the sums set forth in the *Fall Town Meeting Voters Booklet* for Article B Motion on pages 24, 25 and 26, in the amounts and for the purposes specified therein.

Moved and seconded

MODERATOR: Any discussion? You’ve heard the motion all those in favor say aye. Opposed say no.

The motion carries.

Okay housekeeping under Article A it needed a 9/10s vote and it was unanimous so I am declaring it unanimous for the records and we move on to Article G.

ARTICLE G (9): To see if the Town will vote to transfer the sum of \$10,550.10 of unexpended proceeds of bonds dated August 4, 2016 from the Library Fire Escape Project account, which project has been completed and for which no liability remains, to the Town Hall Annex Generator Capital account to be expended for the purpose of purchasing and installing a generator at the Town Hall Annex; or act on anything relative thereto. (Public Works) (majority vote)

LINDA SANDERS FOR BRUCE REED CHAIRMAN OF THE DPW COMMISSIONERS: I move that the Town appropriate by transfer the sum of \$10,550.10 of the unexpended proceeds of bonds dated August 4, 2016 from the Library Fire Escape Project account, which project has been completed and for which no liability remains, to the Town Hall Annex Generator Capital account to be expended for the purpose of purchasing and installing a generator at the Town Hall Annex.

Moved and seconded.

MODERATOR: Any discussion? You’ve heard the motion all those in favor say aye. Opposed say no.

The motion carries and just for the heck of it – it was unanimous.

We move on to Article H.

ARTICLE H (10): To see if the Town will vote to transfer the sum of \$8,248.88 from the Water Needs Assessment account to the Water Treatment Plant Master Capital account; or act on anything relative thereto. (Public Works) (majority vote)

LINDA SANDERS FOR BRUCE REED: I move that the Town appropriate by transfer the sum of \$8,248.88 from the Water Needs Assessment account to the Water Treatment Plant Master Capital account for the purpose of funding capital projects at the Water Treatment Plant.

Moved and seconded.

MODERATOR: Any discussion? You’ve heard the motion. All those in favor say aye. Opposed say no.

The motion carried and it was unanimous.

We now move on the next little tile was M which means we have to start with L so we go on to Article L.

ARTICLE L (11): To see if the Town will amend the Zoning By-Law to allow the regulation of Aircraft Landing Areas (“ALAs”) in the By-Laws as Section VI-M

The Rockport Zoning By-Laws in relation to ALAs are as follows:

In accordance with the Town’s authority to regulate uses of and structures on land and waterways that are within its jurisdiction, the Town of Rockport hereby determines that it is in the public interest to regulate the on-ground placement and storage of aircraft. Applicant shall be required to submit a plan to use any lot or waterway for aircraft landing, storage or parking within the Town.

The construction of an ALA is subject to Site Plan Review (“SPR”), which will consider the potential impacts on the Town/neighborhood, including the characteristics of any aircraft proposed to use the ALA, with respect to performance, noise, downdraft, and hours of operation, as well as the proposed landing, storage or parking facilities and any refueling and servicing facilities. Any FAA and MDOT aeronautics division findings, conclusions and requirements with respect to siting, design construction and operation of any proposed ALA will be incorporated in the SPR.

The siting of an ALA is subject to the special permit (“SP”) process of the Zoning Board of Appeals. The findings and recommendations of the SPR will be incorporated in any SP granted by the ZBA.

Nothing herein shall prevent a temporary helicopter landing area for emergency purposes, such as air ambulance, search and rescue, firefighting, and similar public safety operations.

AIRCRAFT LANDING AREAS

1. Purpose

The purpose of this section is to regulate Aircraft Landing Areas (ALA), by establishing standards for the placement, design, construction, operation, monitoring, modification and repair of such installations to ensure public safety, and minimize impacts on neighborhoods, and scenic, natural and historic resources.

The provisions set forth in this section shall apply to the placement, design, construction, operation, monitoring, modification and/or repair of any ALA.

a. Applicability This section applies to the initial construction of ALAs and to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

b. ALAs, in Mass. are regulated and characterized by 702 CMR: MASSACHUSETTS AERONAUTICS COMMISSION, (now the Mass DOT aeronautics division.) 702 CMR 5.00: AIRPORTS AND RESTRICTED LANDING AREAS (This includes Airports and Restricted Landing Areas on land and water, and incorporates a number of categories of helicopter landing areas. These are characterized as follows:

- (1) Airport –General Aviation, Land & Water
- (2) Restricted Landing Area, Land & Water
- (3) Heliport –General Aviation, and Limited Commercial
- (4) Private Use Helicopter Landing Area
- (5) Temporary Helicopter Landing Site

Each category has different minimum dimensions, equipment, facility requirements, and level of review by MDOT.

c. Definitions

(1) Site Plan Review: Review by the Planning Board to determine conformance with the Zoning By-Law, as provided in Section IX of the By-Law.

(2) Site Plan Approval: Approval of the Site Plan by the Planning Board.

2. General Requirements for all ALAs

The following requirements are common to all ALAs.

a. Compliance with Laws, Ordinances and Regulations

The construction and operation of all ALAs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, environmental, Wetlands Protection Act, construction, electrical, and communications requirements. All buildings and fixtures forming part of an ALA installation shall be constructed in accordance with the state Building Code.

b. Building Permit and Building Inspection

No ALAs shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

c. Fees

The application for a building permit for a ALA must be accompanied by the fee required for a building permit.

3. Site Plan Review

Any ALA shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. ALAs shall be constructed, installed, used and modified in conformity with a site plan approved by the Planning Board in accordance with Section IX Site Plan Review of the Zoning By-Law and the further requirements set forth herein. The Planning Board shall review and act upon the site plan review within 90 days of its receipt of an application determined to be complete. The requirements set forth herein shall be applied coincident with and in addition to those requirements set forth in Section IX. The requirements of this section shall take precedence in the event of a direct conflict with Section IX.

a. General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts.

b. Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents.

(i) A site plan showing:

1. Property lines and physical features, including roads for the project site, and neighboring living structures within 1,000 feet of the ALA boundary.
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation and structures.
3. Blueprints or drawings of the ALA installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the ALA.
4. Documentation of any structures to be installed.
5. A description of how land clearing and construction shall be performed in accordance with the appropriate sections of the Zoning By-Law governing storm water discharge, land disturbance, provisions for handling toxic or hazardous materials, and post-construction storm water runoff.

(ii) Documentation of actual or prospective Flight paths.

(iii) An operation and maintenance plan; (See 3f) including proposed hours of operation, type of aircraft allowed to land and take off from the facility.

(iv) Zoning district designation for the parcel of land comprising the project site (submission of a copy of a zoning map with the parcel identified is suitable for this purpose).

(v) Proof of liability insurance written by companies licensed to provide such insurance in Massachusetts and with coverage limits at commercially acceptable levels; for the intended use.

(vi) A public outreach plan, including a project development timeline, which indicates how the project proponent will meet the required site plan review notification procedures and otherwise inform abutters and the community.

The Planning Board may require additional information, data or evidence as it deems necessary pursuant to the Site Plan Review process, or may waive documentation requirements as it deems appropriate.

c. Professional Review

The Planning Board may engage, at the applicant’s expense, professional and technical consultants, including legal counsel, to assist the Planning Board with its review of the application in accordance with the requirements of Section 53G of Chapter 44 of the Massachusetts General Laws. The Planning Board may direct the applicant to deposit funds with the Planning Board at the time the application is accepted, and to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount in the account attributable to that project, including any accrued interest, shall be repaid to the applicant.

d. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the ALA, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation. Also, documentation of how all safety concerns of the FAA and the MDOT aeronautics division are being addressed in the physical construction and proposed operation of the facility

4. Design Standards

a. Setbacks

An ALA shall be set back from property lines consistent with the applicable regulations for the underlying zoning district.

b. Lighting

Lighting of ALAs shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the ALA shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

c. Screening

A buffer or green strip planted with live shrubs or trees, predominantly evergreen, shall if feasible be maintained between the perimeter of the ALA and any abutting property line or street unless the existing natural growth is adequate to provide an equivalent buffer. Such a buffer shall be designed so as not to create a flight hazard upon entrance or exit from the facility. The Planning Board may vary or waive this requirement consistent with minimizing negative effects on abutting property.

5. Safety and Environmental Standards

a. Emergency Services

The ALA owner or operator shall provide a copy of the project summary, and site plan to the Fire Department. Upon request the owner and/or operator shall cooperate with Town emergency services in developing an emergency response plan, which may include ensuring that emergency personnel have 24 hour access to the facility. The owner or operator shall identify a responsible person for public safety personnel inquiries throughout the life of the ALA.

b. Land Clearing

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ALA or otherwise prescribed by applicable laws, regulations, and bylaws.

c. Drainage and Groundwater Protection

An ALA shall comply with any drainage and groundwater requirements set forth in the Zoning By-Law, which requirements shall be imposed and conditioned as appropriate through the Site Plan Review process.

6. Monitoring and Maintenance

a. ALA Installation Conditions

The ALA owner and/or operator shall maintain the facility in good and safe working condition, and shall schedule inspection by a competent professional at least once every twelve (12) months or more often, pursuant to industry standards and practices. The results of the inspection and any resulting repair work shall be submitted to the Planning Board and the Building Inspector within thirty (30) days of receipt by the owner and/or operator. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Department and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the ALA and any access road(s), unless accepted as a public way.

b. Modifications

All modifications to an ALA, after issuance of Site Plan Approval and required building permit, shall be submitted to the Planning Board for review, to determine whether they are major changes requiring further Site Plan Review.

7. Appurtenant or Accessory Structures

All appurtenant or accessory structures to an ALA shall be subject to the requirements of the Zoning By-Law concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, shall be architecturally compatible with each other, and shall be landscaped and screened from view by vegetation.

8. Insurance

Prior to commencing operation, the owner or operator of an ALA shall provide the Town Clerk with a certificate of insurance showing that the property has a minimum dollar amount contingent on the type and nature of the facility, in accord with industry standards of liability, and that the Town is an additional named insured thereon. Such certificate shall be supplied on an annual basis to the Town upon the renewal of said insurance policy.

B. Modify “Table of Permitted Uses” as follows:

2016 Proposed	SRAA & SR Zoning Districts	Permitted Use to Include ALAs With SP
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; or act on anything relative thereto. (Planning Board) (2/3vote)

LINDA SANDERS FOR HERMAN LILJA CHAIRMAN OF THE PLANNING BOARD: I move that the Town amend the Zoning By-Laws to allow the regulation of Aircraft Landing Areas in the By-Laws as Section VI-M as presented on pages 39 through 46 of the Fall Town Meeting Voters Booklet.

Moved and seconded.

MODERATOR: Now this requires that we spend a few moments in quiet contemplation and reading and so you have a Press Release in front of you called Helicopters in Rockport so take a little bit of time and look this over and this will set the stage for the discussion which will follow. It's slow reading but after a while you'll take right off. Alright most people look like they have finished reading and if you have any questions based on that before Mr. Hand starts with his presentation I will permit you to ask them at this point and he'll try to answer them otherwise he'll start his presentation. Okay.

ED HAND: Nobody has a question? There are no questions after reading that? I can't believe it. Well, okay I was asked by a number of people tonight whether that helicopter that was buzzing around Rockport off shore had some... we'd arranged that to annoy everybody. I can't say I was smart enough to have thought that ahead of time though. Okay I had actually prepared a quiz here for those people..if there were any questions. I figured you really hadn't read it so I have a quiz here which we'll have at the end of this presentation. I assume you all read the press release and realize how vulnerable the town is until we pass an ALA aircraft landing area bylaw and I'm going to start off with slide 1 which is the Planning Board's report – okay,

Any proponent wishing to construct an Aircraft Landing Area (ALA) must request the Federal Aviation Administration (FAA) to make a determination with respect to the safe and efficient use of navigable airspace by aircraft and with respect to the safety of persons and property on the ground. "This determination does not constitute FAA approval or disapproval of the physical development involved in the proposal." Furthermore, "This determination does not preempt or waive any ordinance, law or regulation of any other government body or agency." Except if you live in Massachusetts.

MGL Chapter 90, Section 39B of Massachusetts General Laws (MGL), Paragraph 5, requires that a municipality making any rule, regulation, ordinance or bylaw relative to the use and operation of aircraft receive approval from the Mass DOT (Department of Transportation) Aviation Division actually used to be called aeronautics commission prior to the rules taking effect. This bylaw Mass General Law Chapter 90 was written back in 1946 when those of you that are old enough popular science and popular mechanics everybody was going to have a flying car or a helicopter in their garage and this was made to promote aviation in Massachusetts we didn't want to get left behind so we now have a problem because in a recent Appellate Court case, Hanlon vs. Town of Sheffield, the Appellate Court overturned a Land Court decision negating Sheffield's claim to regulate the use and operation of aircraft within the town for a reasonable approach. Actually it had been approved by Land Court as well as a case out in Martha's Vineyard in 2015 that Land Court case just gave the towns the right to regulate private landing areas. Sheffield overturned it. The Appellate Court overturned it and suggested that Section 39B but they did say it contains internal contradictions which the Legislature should clean up. You had two judges, Land Court and appellate went through all sorts of reasoning and both came up going like this so unfortunately the Appellate Court judge won. He's the higher judge.

Rockport Zoning By-Laws, like that of Sheffield and many Massachusetts communities, is prohibitive. If a use is not listed in the Table of Uses, it is not allowed. According to a recent communication to the Town of Stow from Mass DOT Aeronautics Division, a prohibitive bylaw illegally regulates the operation of aircraft. We said it's only allowed if you, we said if you can do it therefore we've prohibited it the operation of aircraft. Therefore Rockport needs to pass a bylaw a specific bylaw that is acceptable to the Massachusetts Department of Transportation while providing Rockport with some control and protection until the inconsistencies in MGL Chapter 90, Section 39B are rectified. So until we get that law changed and that's why we're hoping Senator Tarr and Representative Ferrante can help move this ahead with the legislature but until that happens and we don't know when or if that will happen we've got to deal with what we have. Okay at the conclusion of this meeting we will be asking for a Resolution of town meeting to back the selectmen and their coordination with Senator Tarr and Representative Ferrante to work with the legislature to amend Massachusetts General Law Chapter 90, Section 39B to clean up ambiguities in the law so the town could regulate aviation within the town. Now, at the Planning Board hearing August 18th we heard loud and clear, actually I was up in Maine I even heard it up there, but I've watched the tape from the Cape Ann public television of the hearing, we heard loud and clear that the attendees did not want helicopters landing in residential areas. Just say no was the message. Well unfortunately as you have just read and I have told you it's much more complicated than that. In order to protect the town we must have a process in place now before the situation arises again so slide 1.

Mr. Hand read slides 88 to 95 as shown on the PowerPoint presentation.

Purpose of the ALA By-Law is to protect the Town

- regulating Aircraft Landing Areas (ALA).
- establishing standards for the placement, design, operation, monitoring, modification and repair of installations.
- ensuring public safety, and minimize impacts on neighborhoods, and scenic, natural and historic re

Overview

- No town in Massachusetts has a by-law explicitly addressing private aircraft helicopter landings.
- In the absence of a specific by-law pertaining to helicopter aircraft landings in Rockport and given the public interest, the Planning Board has written a very restrictive by-law related to aircraft landing areas (ALA) to protect the Town.
- A by-law addressing helicopter landings must be approved by MassDOT, aeronautics division, and an absolute ban will not be approved.

Overview (cont.)

- Current MA law does not clearly distinguish between commercial and private aircraft under MGL Chapter 90, Section 39B.
- MassDOT supports and promotes aviation throughout Massachusetts.
- Appeals Court decision in Hanlon vs Sheffield suggested that the legislature resolve the conflicts in existing legislation (MGL Chapter 90, Section 39B).
- Regardless of vote at the Town Meeting, the Town will continue to work with Sen. Tarr and Rep. Ferrante to clarify MGL Chapter 90, Section 39B to distinguish between commercial and private aviation, in the hopes that all towns in Massachusetts will be able to determine their own course with regard to helicopter/aircraft landings.

General Components of ALA By-Law

Given that we must have some kind of permitting process to protect the town:

- Applicant required to submit a plan to PB for the use any lot or waterway for aircraft landing, storage or parking in Town.
- Construction of an ALA is subject to Site Plan Review (SPR).
- Potential impact on the Town/neighborhood considered:
 - performance, noise, downdraft of aircraft using the ALA
 - hours of operation
 - landing, storage or parking facilities
 - refueling and servicing facilities
- Requirements, findings and conclusions of FAA and MDOT aeronautics division with respect to siting, design, construction and operation of any proposed ALA will be incorporated in the SPR.

General Components of ALA By-Law (cont.)

- Construction of an ALA subject to the special permit (SP) process of the Zoning Board of Appeals, which can refuse any application if four critical criteria are not met.
- The findings and recommendations of the SPR will be incorporated into any Special Permit potentially granted by the ZBA.
- Nothing in the by-law shall prevent a temporary helicopter landing area for emergency purposes, such as air ambulance, search and rescue, firefighting, and similar public safety operations.

Site Plan Review and ZBA Special Permit

The construction of an ALA is subject to Site Plan Review (“SPR”) by the Planning Board, which must consider the potential impacts on the Town and its neighborhoods.

The ZBA must refuse a Special Permit (“SP”) unless, it finds that, “all of the following conditions are satisfied:

- a. The specific site is an appropriate location for such use, structure or condition.
- b. The use or action will not be detrimental to the neighborhood.
- c. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- d. The proposed use, structure or condition is in harmony with the general purpose and intent of this Zoning By-Law.

Summary

Therefore:

- Article L was written in an effort to have some control over ALAs in Rockport. It requires Site Plan Review and a Special Permit, but it does not necessarily prevent the landing of private helicopters, which would prevent it from being approved by MDOT and thus leave the Town completely vulnerable.
- Under the existing Massachusetts law, local by-laws pertaining to private helicopters and fixed wing aircraft must be approved by MassDOT aeronautics division.
- Article L was written to be acceptable to the MassDOT aeronautics division.
- Article L describes a process by which an applicant can request permission to have an aircraft landing area in Rockport.

MODERATOR: Thank you.

RAYMOND THURSBY: 5 Tarr's Lane West – I would like to, I guess you would call it a motion, make a motion that consideration of Article L be postponed until after the resolution of the current court case against the town. If we pass this we are in essence giving the Land Court judge the opportunity to say well the town has passed a bylaw you can apply for a permit to build a helicopter landing pad and the man who is currently suing the town will suddenly say well why can't I fly my helicopter there is I can apply to build a pad. This is smoke and mirrors. This is a way of getting around the fact that the selectmen have not worked with the Senator and with Representative Ferrante to get some action from the state. We're being sort of back-doored into permitting helicopter landings so I move that consideration of this article be delayed until such time as the court case against the town is resolved. At that point we can then say alright if we have to have helicopter landing pads we're going to make it difficult but until then we should just simply say we're not going to have them. Thank you.

MODERATOR: Okay so we have a pending motion now which is to postpone consideration of this until after litigation has concluded. Any discussion from the selectmen on what they have done or have not done Vis a Vis the legislature before I open it up to the public?

WILHELMINA SHEEDY: Board of Selectmen – Yes we have been working with Bruce Tarr and Ann-Margaret and as a matter of fact we received a letter from Senator Tarr today asking for more information and letting us know that the senate is currently meeting only in informal sessions so we are working with them we have been in touch with them and as Ed had said we're pursuing the appeal of the case that's presently well it's presently before the Land Court but we intend to appeal that to try to get the Appellate Court to change their mind and working on this local bylaw so we're working diligently on several fronts to address this issue on helicopter landings in Rockport because it's very upsetting for many but it's all still in process and I for one think we should continue on all three prongs and try to get some answers here and some regulations on the local level about what happens in our town so that is what the Board of Selectmen are doing.

DARREN KLEIN – Kopelman & Paige Counsel through the Moderator – Just one legal issue in response to what this gentleman said. One factor of waiting to pass the bylaw is if you wait, if town meeting decides not to pass this bylaw tonight but decides to pass it I mean I think the motion was to postpone until after the litigation is concluded that could be several years. If you wait two or three years to try to pass a bylaw then by the time it gets approved by the DOT and everything else that's an entire two or three year period maybe more where if other people attempt to use helicopters and land in the town that they would be grandfathered from a potential bylaw. Obviously the sooner you act the less people can be grandfathered under a new zoning bylaw so that's one thing to consider.

MODERATOR: All right let's hear from the public.

SUSAN HAND: 20 Landmark Lane – So am I right that at present we have one person who is grandfathered in no matter what we do unless we win in the courts but if we delay anybody who applies to fly in a helicopter will be grandfathered in if we lose in the courts is that correct? (Question: Would you mind repeating that again?) We currently have one person who would be grandfathered in with permission to land a helicopter if we lose in the courts. Is that correct?

DARRIN KLEIN: Are you talking about if the bylaw passes?

SUSAN HAND: If the bylaw does not pass we have one person or even if it does pass. We have one person who's grandfathered in because he's applied before we put...

DARRIN KLEIN: The answer is actually different if the bylaw passes then you have one person who is grandfathered if we lose in the courts. If the bylaw fails then (interrupted) well everybody until there's notice of another hearing for a new zoning bylaw.

SUSAN HAND: So we have to pass this bylaw in order to prevent anybody else from being grandfathered in.

DARREN KLEIN: Correct. I mean it would depend on the timing of a potential new bylaw attempt but yes what you're saying is correct.

MODERATOR: Anybody else?

WALLY HESS: Finance Committee – While the committee hasn't taken any particular stance on this I think at least I am quite confused by it. It strikes me that what was said tonight is if we approve this article and we get sued we'll lose and all we'd be doing is spending legal fees so I guess my fundamental question is what do we have for a budget for legal fees for this particular topic? What was passed last April the answer is zero so I don't know if we are basically providing a blank check to the Planning Board and the town administration to continue this lawsuit which we're likely to lose.

DARREN KLEIN: Just to be clear the passage of this article or the failure of this article has nothing to do with the town being sued. The town is already, I don't want to use the word sued but the decision of the Zoning Board of Appeals has already been appealed to the Land Court and is pending so that has already occurred it has nothing to do with whether or not you pass or do not pass this bylaw tonight. The decision was explained of the Zoning Board of Appeals was appealed by Mr. Roma to the Land Court and is currently pending. It has nothing to do with this bylaw.

BOB MACDONALD: 17 Drumlin Road – If we lose in the Land Court and he's grandfathered does he still have to, can he do anything he wants on this helicopter pad or are there limitations and he now has to apply under the bylaw that we're going to pass? Do you understand what I..?

Conversation with Darren Klein ensued: I'm trying to make sure I accurately understand all the hypotheticals. Your hypothetical was if we lose...MACDONALD: If we lose in Land Court (okay) and he's grandfathered in (correct) okay now can he do anything he wants or does he have to..KLEIN: He would not be subject if we lose in the Land Court, if we lose in the Land Court at that time he would be allowed to land his helicopter. It still would have to be in accordance with current Massachusetts and federal laws but he would not be subject to the new bylaw. Right now he is not allowed to land his helicopter because there's a Cease and Desist Order that was granted by the, that was issued by the Building Inspector was appealed to the Zoning Board of Appeals and that appeal was denied and that was appealed to the Land Court so as of right now Mr. Roma cannot land his helicopter however if he prevails in court at that time he would be able to and if the town passes the bylaw tonight he would be grandfathered under that new bylaw. MACDONALD: Wow

MODERATOR: Any other questions?

BRIAN SULLIVAN: 7 Gott Street - Thank you. Mr. Moderator if I understand the options before the town right now as to this motion our options are either: not pass the motion in which case we currently have zero effective bylaws to govern applications for landing helicopters or pass the bylaw and then we have a bylaw going forward that will allow the town to exercise some control over applications for landing helicopters. The rest of it with respect to ongoing litigation is an interesting discussion but right now that's the decision that the town has to make as I understand it. Is that correct?

MODERATOR: Well not quite we still have to get through the motion to not consider it tonight at all.

BRIAN SULLIVAN: Fair enough but with respect to the original motion those are the choices. It seems the motion not to consider is actually in opposition to just passing it. It's not really an amendment but I would urge that the town on the original motion pass it and if that requires that we first vote against deferring it I would urge not deferring it and then passing the original motion. Thank you. (applause)

MODERATOR: The interesting thing is Brian I actually understood that. (laughter)

RENEAU LONGORIA: 7 Boulder Top and 131 Granite Street – I own the house next door to the proposed landing site for the helicopter and I have a couple of points to make. I'm very concerned about the comments that are coming from the Finance Committee. I think that the comments that I heard earlier from the gentleman on Landmark Lane are concerning to me because we are basically launching a strategy that is extremely expensive and these are..my concern is we have a binding Court of Appeals decision so we now have litigation in Land Court where we know we're going to lose and yet we're making the financial decision to continue down that path so that concerns me as an attorney, 'cause I don't like to lose, that I would be in a litigation where there's a Court of Appeals decision preempting this area of law and this isn't the only area of law where you see this happen so there are a number of areas of law where there's federal law that controls or there's state law that controls and because the federal or state law controls the local folks don't get to go about making whatever laws we want we don't get to outlaw red Corvettes we don't get to outlaw folks with disabilities there's very serious reasons why the state in many instances as in with as this particular aviation section with the state law. They've made a decision that they are not interested in having every local municipality make different bylaws. What I'm concerned with is that this proposed amendment is so restrictive and the authors of it are saying it's very strict we're not going to make this easy. The problem is they're also saying this may pass the Department of Transportation so now we're in a situation where we're proposing a bylaw that we know is not likely to succeed. It's not going to pass the Department of Transportation because we've made it so restrictive. There's a provision in that bylaw that says that the folks..the individual who seeks this permit is going to have to pay the legal fees of the town to study the permit. I mean there's all kinds of things that are specifically in that that make it so restrictive that I can't imagine the Department of Transportation saying "absolutely you can have your bylaw" so then back we fought the litigation and then we fought the state law and I'm also concerned with that too. We've got a state law on the books right now that's controlling and yet what we're saying is we're going to start lobbying with Bruce Tarr and Representative Ferrante to change the existing law and we're..my thought is okay if that's really what we want and we want to spend our money on that and not on our roads and not on our schools, not on whatever else. That's a very big financial commitment we've made, we're on a road here and we've made a commitment to do something that I think is an emotional decision. You know I'm not nuts about the fact that the guy's going to land his helicopter next to the property of mine I'm not but I look at the law and the law lets him do it and I don't know that I want to invest the thousands of dollars that it's going to take away from all of the other things that we could be doing with that money to fight a fight that when we look down the road I don't see us winning and I just think that we need to look at the dollars and cents piece of this a little harder and not just blow the poor Finance Committee I mean he wrote, he made a very good point and everyone said "nah don't worry about that" you know we're

not voting on that now but if we're voting to go this path we're voting to spend time, energy, and resources. I mean just the fact that we're all here tonight dedicating our time and resources to preventing something that is apparently legal under state law is a concern to me.

LINDA SANDERS: Town Administrator – I think there's some confusion around the passage of the bylaw that..whether it passes or fails there's no legal funds required to go through that process except for having town counsel here – sorry – but we're not fighting anything there. I've had preliminary talks with both a representative of the Attorney General's office who reviews bylaws and the Aeronautics Division. They both mention that this was interesting and innovative because the Planning Board is allowing helicopters as a permitted use. That was their biggest problem with all the other bylaws that it was prohibited. They're not promising anything but it's not costing us legal fees. The legal fees it's a whole separate track and the reason that the Board of Selectmen and I don't mean to speak for them I was just there and heard them chose to have counsel go down the road to Land Court and expect to lose is because nobody has challenged this in the appeals court and that's what they really want to do is challenge the whole law in appeals court. Is that correct?

MODERATOR: So did the Town of Sheffield brief this issue with the appeals court?

DARREN KLEIN: Through the Moderator – Excellent question. What was interesting about the Town of Sheffield case is the town itself was not an active participant in that court so they not only didn't brief the issue they didn't even appear. It was between essentially the two parties and the town was not an active participant so that's one of the concerns I think that the Board of Selectmen have is the Town of Sheffield really did not get to weigh-in in that case at all even though they're a named party they were not an active party.

MARY MINTZ: 3 Highland Street – I would just like to say that I was really impressed that this is the first time I've seen in the town somebody doing something forward thinking and innovative like this. To me that.. I'm appalled that the State of Massachusetts has really no regulations on this as far as I can see and if you see what's going on in Connecticut and the problems with the helicopters there I think you guys should all educate yourself because this is really an important step and I totally support it. (applause)

MODERATOR: Yep we'll get a helicopter, yep get a helicopter to you – maybe a drone of a microphone up to you.

GREG BLAHA – 133 Granite Street – I just wanted to state a couple of things. One is that Mass laws somewhat are confusing on this and the Appellate Courts in the Hanlon - Sheffield case they actually said the law was contradictory between paragraphs 4 and paragraphs 5 recommended the state legislature take a look at that so I don't think it's clear at this point and if Rockport loses this as they may be expected to do in Land Court due to that Appellate Court decision and I think it's totally reasonable to go to the Appellate Court and possibly the SJC and they may not be going alone they may be going with other Massachusetts towns who are facing the same issue. I just had a couple notes here. I'm strongly against ALAs or helipads in residential zones in Rockport unfortunately I thought the way Article L is drafted leaves us more rather than less vulnerable to heliports in our neighborhood I think the press release very nicely summarizes the legal issues and the Planning Board recognized these issues and is forward thinking in trying to craft a zoning bylaw that would limit ALAs but also be approved by the DOT as Ed Hand said and that is the Article L you see in front of you. Unfortunately in seeking a bylaw that would meet with little resistance from the DOT the new bylaw would basically allow ALAs in Rockport with only a site plan approval and a special permit so basically with the Planning Board and ZBA's approval anyone could have a heliport. The proposed article does not specify any particular limits such as setbacks, lot size, noise limits, times of day etc. beyond those in the current bylaws. The current bylaws don't say anything about heliports so what should the setback be? A shed 10 feet, a house 15 feet there's nothing about lot sizes 20,000 square feet etc. In addition the article as listed only concerns two of the several residential zones in Rockport what about all the other residential zones that are not listed in this issue? While I think the idea of regulating ALAs is a very important one I'm worried that Article L as written is a path to helipads. The Planning Board themselves seem very conflicted about it and they actually only voted 3 to 2 amongst themselves to even bring it here today. Article L is permissive as written and not prohibitive. I recommend voting against Article L and finding a better way to stop ALAs in densely populated residential districts so I mean people talking about something getting grandfathered in but that would still have to go to the Appellate Court and possibly SJC court. If we vote for this it basically gives a path to heliports and then it would be grandfathered in anyone who got it and if somebody went to the Planning Board or the Zoning Board and got turned down they could go six months later and apply again or six months after that; wait until there's new people on those boards and apply again. You basically have just a circle where people are going to be trying to get or persons are going to be trying to get these heliports and I think going through the Mass legislature to try to get the laws changed and continuing the legal fight that the Selectmen have been doing you know, very well are the most important things. I think a bylaw change is important I don't think that this is crafted well enough to stand up and I think it's actually just a path to helipads. Thank you.

ROY TOULAN: 20 Gott Avenue – I just have a simple question and then maybe a suggestion. One is I assume and I haven't checked whether the Town of Rockport has ordinances for noise and whether it does have ordinances for noise where there's a chart of decibel levels for residential areas that just may be exceeded by a helicopter landing in a residential area and if that isn't in an ordinance why don't we pass an ordinance to that effect not mentioning helicopters but just setting decibel levels that are appropriate.

MODERATOR: You've obviously never been to hump day.

ED HAND: We have talked about noise levels other communities have tried to do it but remember it's only one part of the problem. They're noisy, there's a tremendous amount of disturbance of debris and soil, lawn chairs and whatever else. There's also the potential of danger. There are a lot of reasons why it doesn't make sense to land helicopters in a residential, type of residential areas that exist in Rockport. Noise is only one of them and if you look at the bylaw in more detail you'll see that we've talked about flight paths; we've talked about residences within a 1,000 foot radius because

those will be the ones that are impacted (inaudible) further away in a flight path but if you're up higher on a hill there are lots of reasons why we shouldn't have helicopters it's not just noise yes that might be one way to do it and it might even be later on in a subcomponent of this bylaw if we modify it but at this point I think what we need to do and I hear this path to helicopters. Right now as soon as this..as soon as this Cease and Desist order goes away Mr. Ro--, I shouldn't say his name, the person we are talking about (Moderator: Voldemort (laughter)) has a path anybody else can do the same thing he's doing and you know how it is "hey my friend down the street's got one of these things and I'm a big macho guy and I like to do things the same way I like to be the big guy on the street I can go do the same thing he's doing" and talk about court costs. All you need is about two or three of these people to say I need a helicopter too and follow the same path he's following until the courts finally decide or the legislature decides. Right now we are vulnerable and I don't think a noise thing is going to do it and I don't think it's a path to helicopters flying all over the place it's actually a deterrent.

JONATHAN LILJA: 6 Bayridge Lane – I think there's probably no stronger statement to Senator Tarr and Representative Ann-Margaret than for the town who does not want helicopters to land in town to say no helicopters in town. If you read the court case decision and I have it clearly states that the court is conflicted and it's begging the legislature to do something about the problem. You've got a town in western Mass that is inflicted by this pain you have Rockport that's conflicted by this issue and there's nothing better than for this meeting this evening to vote this plan down. Be loud and clear and then say to our representatives on Beacon Hill who work for us they want to be re-elected they want to hear, they want to go back to Beacon Hill they have to be responsive to the voters in this town that they need to change the legislation, take the power of the DOT which now is running loose. They never had this power before now they're running loose. They're like the king of the castle. So you take the power to regulate private aircrafts landing in towns, bring it back to the local communities and allow the DOT to continue doing what they were doing before which is govern commercial aircraft and that simple statement by us tonight can make it very loud and clear to Senator Tarr who's with us and with Ann-Margaret Ferrante the Representative who was here earlier this evening. Thank you.

SARAH WILKINSON: I would like nothing more than to do that but I don't think it would work and I think it would end up costing the town probably hundreds of thousands of dollars more. I just want to go back to the comment earlier that this bylaw is smoke and mirrors that the Board of Selectmen are just trying to get helicopters. Frankly that's total crap. This Board of Selectmen has been really, really clear that we oppose residential heliports – helicopter landings and we have met for hours with town counsel; we've researched other communities; we've researched decisions and these three paths are what we think or how we think we can get to not allowing residential heliports. I think the issue of someone being grandfathered is separate. As Brian Sullivan said earlier you kind of have to deal with that separately because it kind of is what it is. Hopefully in the end they won't end up being grandfathered and I hope that our state legislature can make a way can find a way to make..for that to happen but to look forward in ways that don't cost the town hundreds of thousands of dollars and in a way that we are trying to be proactive and deal with this. I think that this is the best course. We've studied this for hours and hours and frankly it's already cost us money but this Board of Selectmen is against residential helicopter landings and we're doing everything we possibly can for that to be the end result. I just wanted everyone to know that. (applause)

MODERATOR: All right we have a motion in front of us now to continue this until a time at some point in the future when the litigation and the present litigation is over. I will allow a couple of questions on that then I'm going to take a vote. If you have a question on that particular part of it I'll hear it now. (Audience noise, Moderator responds: We're not going to take that now.) It's just a majority to continue. Someone that I haven't heard from on this, yes sir in the red.

ZENAS SEPPALA: 92 Granite Street – So we're still going to be able to discuss the other main motion that was originally brought before the board after this continuation business.

MODERATOR: Unless it prevails. If it prevails then we're going to continue it to some point months, years down the road.

ZENAS SEPPALA: Well I mean okay so you're saying that right now what you want to confine the voters to is a motion to continue this after the resolution or something like that. That's what this is.

MODERATOR: The present motion on the floor is to continue discussion on this until a period of time after the present litigation has ended. That could be months from now, could be years from now, it could be decades from now. That's the motion on the floor. Any questions on that motion to continue the discussion? I'm going to hear from Mr. Tarr and then we'll get to your question. We're just talking now about continuing this.

FREDERICK TARR: It seems to me that the question is do we take action now that might work or do we talk about it in the future some ideal perfect solution that's never going to happen. I say let's do what we can now let's hear the motion now. Let's vote the motion now and I would like to call the question.

MODERATOR: We don't have to I've already done that. So the question is all those in favor of continuing discussion in other words not acting on the main motion but deferring discussion on this until after the present litigation with Mr. Roma, I believe his name is, has concluded. Any question on that? (Question from the audience) Right now it's before the Land Court (more comments away from microphone) No until the whole litigation is over. So if he loses in Land Court and we go on to or if he wins in Land Court and we go on to the Court of Appeal and the Supreme Judicial Court it's until that's all over. Is that correct? That was your question, your motion? (talking from audience away from microphone) Okay until the decision is granted in the Land Court only. Any questions on that? (away from microphone) Is it on the motion to continue and defer discussion on this until the Land Court case is done. Okay.

ED HAND: If we do that and let's just say in three months or two months we have a decision on the Land Court unless we call a special town meeting to deal with this we are now talking about the spring. That's a six month delay during which

who knows how many people could apply. I think we should do it tonight to pass the whole thing and therefore I would vote, I would recommend you not pass this amendment that would defer it.

MODERATOR: Okay, all those in favor of that motion to continue please raise your hand. Thank you. Opposed the same sign.

That motion fails.

Now we are back to talking about the main motion the discussion of which started yesterday. (laughter)

TOBY ARSENIAN: Mr. Hand's account of the public hearing which he acknowledged he did not attend was rather a partial one, not dishonest but not the whole picture. The overwhelming majority of the people who attended the hearing wanted no part of the ordinance feeling it tended to legitimize helicopters. I have the feeling that the ordinance could work. I have misgivings. The whole thing rides on one paragraph only: The siting (this is quoting from it) of an ALA is subject to the special permit ("SP") process of the Zoning Board of Appeals. The findings and recommendations of the SPR (Site Plan Review) will be incorporated in any SP (special permit) granted by the ZBA and if you follow the doings of the Planning Board and the site plans that they involve themselves with and issue time and again they go to the Board of Appeals and the Board of Appeals basically undoes the Site Plan Review decisions by failing to incorporate the conditions in the zoning decisions and the zoning board in each and every case has carried the day so people are right to be suspicious and I submitted a question to town counsel with that in mind I don't know whether I should bore you with the whole thing. Perhaps I should. (laughter) The proposed bylaw states the siting of ALAs is subject to the special permit process of the Zoning Board of Appeals. The findings and recommendations of the Site Plan Review will be incorporated in any special permit granted by the ZBA. If Article L is passed by town meeting it becomes part of the zoning's bylaws. The Board of Appeals is empowered by state law to grant relief from the zoning bylaw. Is the Board of Appeals obliged to incorporate the Site Plan Review findings and recommendations in their grant of a special permit or granting relief from the zoning bylaw can they set aside, override or ignore the Planning Board's Site Plan Review findings and recommendations? And here's the answer from town counsel, unfortunately it doesn't have anyone's name or date on it because it came to Linda Sanders in response to the question I submitted but presumably it's Darren Klein who wrote it. The zoning (this is quoting) The zoning board would not have the ability to set aside, override or ignore conditions imposed upon the use by the Planning Board under the Site Plan Review. Site Plan approval is separate from the permit process and the Zoning Board has no authority to amend the Site Plan's approval once issued by the Planning Board rather pursuant to the proposed bylaw of the Zoning Board is required to incorporate the terms of any Site Plan approval issued by the Planning Board in a special permit issued for the use to the exempt the question asked whether the Zoning Board can grant a variance from the provisions of the bylaw which requires Site Plan approval the Zoning Board has authority to grant a variance from the terms of the bylaw see General Law 40A Section 10 provided that (that's underlined) the applicant can meet the very strict standard set forth in the statute. I'll spare you, those are the standards for a variance which are much higher than those for a special permit so we have the experience of what's happened with the Planning Board and Site Plan Reviews and Board of Appeals which is most unsatisfactory and would lead you to think the whole thing was – I shan't be rude like some other people – but here we have town counsel's assurance that it would work. I think the bylaw is flawed. It needs to be corrected in various places most of the mistakes are minor I have one amendment that I would offer but I think it is worth passing as a temporary measure until we can get something better in place we won't be able to get something better in place until the court the Great and General Court, the legislature grants the towns and cities permission to do something. We're told about the existing uses that have caused all this offense in grandfathered conceivably could write a Code of Bylaws bylaw that would address that. Zoning Bylaws existing uses are grandfathered as town counsel has told you that isn't true with Code of Bylaws bylaws so it's at least possible we would be able to craft such a law that would cover not the actual structures but the use of them, the landings, the take offs. I don't know that might be something that the federal law has preempted but as a temporary expedient I think that this is worth having. It's not satisfactory altogether and I would offer one amendment which Mr. Hand was supposed to offer; I thought we'd agreed upon that in the second sentence of the third paragraph of Article L, replace the word "recommendations" with the word "conditions" and I'll read you the whole thing. (Someone talking to Toby) No it says: The findings and recommendations of the Site Plan Review will be incorporated in any special permit granted by the ZBA. You have to get the word right. It's not "recommendations"; it's not we would like you perhaps to do this, it's the findings and "conditions" and they're mandatory. Okay so that's a motion to change the word recommendations to conditions in that paragraph. I hope you'll vote for it.

MODERATOR: Since the moving party (Toby: To the extent that it might be workable) agreed to that we don't have to vote on it. We're good but attorney Klein has something to add.

DARREN KLEIN: Very quick you can time me. Generally speaking what Toby said was accurate but one thing to just be clear in your Site Plan Review bylaws it does make clear that the conditions set by the Planning Board under Site Plan Review need to get, are not only supposed to be included in special permits but also in variances. What Toby was referring to is under the Zoning Act there's some very rare exceptions where a variance can be granted but Toby didn't read, not intentionally, Toby didn't read that part but it's that incredibly difficult standard to meet. By and large even a variance would have to include the conditions set by the Planning Board it's a very, very, very rare circumstance that an applicant would be able to meet the variance conditions set in the Zoning Act.

MODERATOR: Any further discussion on the motion? (groans from the audience)

GREG BLAHA: I mean I think it's interesting that it seems like most people here don't want heliports but we just don't know how to go about it. I think that Article L is quite flawed and I really don't want to vote for it but it seems like maybe it is a stop gap measure the problem is that once we vote for it it will be semi-permanent unless we change it. I therefore propose an amendment that says that the minimum lot size would be 5 acres and the minimum setback would be 1,000 feet from any property line.

MODERATOR: Any discussion that amendment? All those in favor say aye. Opposed say no.

The motion fails.

An unknown person asked a question.

ED HAND: We basically decided that we would not allow helicopters in any other areas only in the larger zoning areas, the zoning areas and the rationale for that is number one they be more prohibitive or more of a problem in a smaller area and also we have to allow them somewhere with a special permit in this whole process we're talking about. In other words for this bylaw to be accepted so we figured this would be the most logical places to do it 'cause we're basically trying to control the use of helicopters here but to do it in such a way that we've given some permission to do it but not everywhere.

Unknown voice from the audience away from a microphone.

MODERATOR: We're not going to have a discussion. Any other questions? Any other questions from anyone that hasn't spoken tonight on this matter? Okay we'll get you a microphone from someone who is out way passed their bedtime and that's me. (laughter)

JANE MONTECALVO: 92 Granite Street – That was a very good presentation but I'm really perplexed about the area you mentioned that no control we have no control and the pilot can ask permission to land is that going to open up (microphone needs to be held up) The pilot can ask permission to land a helicopter within this Article and don't we have a Cease and Desist now that could..when does that run out? Cease and Desist we've already said no and he hasn't been able to land and everybody thinks we're going to lose. Why? This court case we won in Chappaquiddick or wherever it was Edgartown and if we all stick together we can win here. You have all the reasons why..

DARRIN KLEIN: Through the Moderator – First of all I never said we were going to lose the land use case (J. Montecalvo interrupts: No I'm saying..) other people did but the Cease and Desist Order is in place. It would have to be overturned by the Land Court and it has not been as of this time but the hearing has not happened yet so we'll see.

MODERATOR: I sense you are ready to vote. You've heard the motion all those in favor and this is a two-thirds vote. All those in favor please raise your card. Thank you. Opposed the same sign.

The motion carries by more than two-thirds.

ARTICLE M (12): To see if the Town will vote to delete III.B.I.F, on the Table of Permitted Uses in the Zoning By-Laws, and replace it with the following: The conversion of any existing dwelling into a two-family dwelling or a multiple dwelling, with not more than four (4) dwelling units, or an inn, provided that the size of the building shall not be increased by more than ten (10%) percent of the area which was originally used for habitation.; or act on anything relative thereto. (Planning Board) (2/3 vote)

LINDA SANDERS FOR CHAIRMAN LILJA: I move that Town delete Section 111.B.I.F., on the Table of Permitted Uses in the Zoning By-Laws and replace it with the following: "The conversion of any existing dwelling into a two-family dwelling or multiple dwelling, with no more than four (4) dwelling units, or an inn, provided that the size of the building shall not be increased by more than ten (10%) percent of the area which was originally used for habitation." As printed in the warrant and as presented on page 47 of the Fall Town Meeting Voters Booklet. Moved and seconded.

TOWN CLERK PATRICIA BROWN for the MODERATOR: Anyone want to speak on Article M?

HERMAN LILJA: Hello I'm Herman Lilja Chairman of the Planning Board, 6 Bayridge Lane – Could we have the first slide beyond the motion? Okay so this is a correction in the Table of Principal Permitted Uses and Structures in the zoning bylaws. Next slide please. Article M is offered to reestablish a right related to the conversion of a single family dwelling into a two family dwelling that was clearly stated in the zoning bylaws prior to 2012. Next slide please. Prior to 2007 all permitted uses and structures were represented in paragraph form in the zoning bylaws between 2007 and 12 both paragraph presentation and tabular presentation of permitted uses and structures was included. At the 2011 fall town meeting the Planning Board recommended that the paragraph form pertaining to the Principal Permitted Uses and Structures be omitted in favor of presenting all aspects of permitted uses in tabular form. This request was approved at the 2011 fall town meeting and included in the 2012 bylaws. Next slide please. With regard to the conversion of a single family dwelling into a two family dwelling in zoning district R residential key words were not included in the tabular presentation for the vote in 2011 section III.B.I.F. in the 2012 zoning bylaw reads: the conversion of a multiple dwelling with not more than four dwelling units or an inn provided the size of the building shall not be increased by more than ten percent of the area which was originally used for habitation. Article M reads any existing dwelling into a two family dwelling we're suggesting that be added to the Principal Table of Uses to clearly state that right that existed prior to the bylaws in 2012. Next slide please. So the corrected Table of Principal Permitted Uses and Structures is now supposed to read the conversion of any existing bylaw into a two family dwelling or conversion of a multiple dwelling with not more than four dwelling units or an inn provided that the size of the building shall not be increased by more than ten percent of the area which was originally used for habitation. Last slide. Alright so in summary Article M is prepared to correct an omission in an article that was passed in 2011. Article M relates to the conversion of a single family dwelling into a two family dwelling the addition provided by Article M relates to a right clearly stated in the bylaws prior to the town meeting vote of 2011. The correction provides no additional rights not previously approved at town meeting. Thank you.

TOWN CLERK PATRICIA BROWN: Anyone want to speak to Article M?

TOBY ARSENIAN: I'm sorry I'm such a terrible bore. This is being done to suit the Board of Appeals who appealed to the Planning Board to alter it and left Mr. Lilja to do all of the very considerable paperwork to assemble the backup information and so forth and basically we're putting a bandage over a scratch that doesn't need a bandage because town counsel told the Board of Appeals that they could go on issuing special permits to cover such conversions even if we didn't make the change. It certainly would be an improvement to make the change and it would clarify matters but when I look at what's there in that paragraph I'm outraged. It says conversion of an existing dwelling into a two family dwelling or a multiple dwelling with not more than four dwelling units or an inn so this allows the Board of Appeals – we've not discussing it tonight – but there it is in front of you to convert buildings into inns in residential neighborhoods knowing that inns are now a different sort of animal they have weddings, they have fairs, their neighbors hate them. They produce lawsuits and so basically we're putting the bandage on the cut that doesn't need it ignoring the gaping wound infected next door about which the Planning Board will do nothing and if you vote against it it is just possible I can't promise you that the Planning Board might come back with a correction to what really needs fixing the section there where it refers to inns.

PATRICIA BROWN: Anyone else?

A standing vote was taken. The tellers, Joseph Stigliano, Corey Spence, Frances Fleming and Robert Sonia were sworn in. All those in favor please stand up.

MODERATOR: While you're waiting you should know the Red Sox won tonight. (cheers)

PATRICIA BROWN: Section one is 27; Section two is 16.

All of those opposed please stand.

Section one is 13; Section two is 21.

The motion failed 43 to 34.

Now we'll go on to the last Article. Article I.

ARTICLE I (13): To see if the Town will vote to amend Chapter 14 of the Town Code of By-Laws entitled "Environment Protection and Public Health", Section E "Aesthetics and Environment", Section 6, "Floodlights and Spotlights", by:

- inserting in the title to Section 6 the words "Light Emitting Diode" after the word "Floodlights";
- deleting the definition of "Flood or Spotlight" in subsection (b) and replacing it with the following: "Flood, Light Emitting Diodes (LED) or Spotlight: Any light fixture or lamp which concentrates the light output into a directed beam in a particular direction or that emits an intense light widely."; and
- deleting the current text of subsection (c)(i) and replacing it with the following: "Any flood, light emitting diode (LED) or spot luminaire rated at 2200 lumens or greater shall not emit any light beyond the property line on which the luminaire is located. Any LED light, regardless of rated lumens, shall meet the standard described in (ii) below. Any LED light shall be hooded so that it does not emit light beyond the property line on which the luminaire is located if a neighbor lodges a complaint that the light is disrupting his or her enjoyment of his or her own property."

; or act on anything relative thereto. (By Petition) (majority vote)

MODERATOR: Alright this is the last Article.

LINDA SANDERS: Mr. Moderator – Jill Solomon lead petitioner moves that the town amend Chapter 14 of the Town Code of By-Laws as presented on pages 34 and 35 of the Fall Town Meeting Voter's Booklet.

Moved and seconded.

HERMAN LILJA: Planning Board– I would like to make a motion that we put this motion aside. I have discussed this with the proponents of the motion of Article I. We have decided that we will have a concerted effort starting the first of October hopefully to be completed by Christmas at which time we look at the bylaw that in the Code of Bylaws that is associated with Article I and the zoning bylaw both of which relate to lighting in town. We have two lighting bylaws. There is no good reason to have two number one, number two they differ, they don't agree and three that the regulatory part of one of them seems to be out of step with the new lighting that is LEDs – light emitting diodes – so the proponents have been nice enough to agree that if we work diligently towards combining the bylaws over the next so many months they are willing to put aside their motion and agree to vote for the motion that I have to put it aside. Thank you.

SANDY JACQUES: Let's hope this doesn't take as long as the aviation that was up in the air as well. However, I'm Sandy Jacques Chairman of the Government and Bylaw Committee and we are in support of this amendment to defer this for further study because of current developments rather than pass something that has to be revisited in the future. We are in favor of deferring it along the schedule that the Planning Board has agreed to conduct. In the end the Government and Bylaw Committee will still have a say as to our final approval once their revised discussions culminate in a final motion. Thank you.

MODERATOR: Does the petitioner assent to withdrawing this motion? (I do.) Okay so there's no motion.

The petitioner can withdraw the motion. That's what town counsel has informed me so we don't need to hear anything further on it. Is that right Mr. Klein? (If the petitioner is withdrawing the motion, there's currently no motion on the floor) So there's no motion on the floor, nothing to talk about in this regard so I see your hands up but we're not, there's nothing to discuss.

So I hear a motion to dissolve the meeting. Moved and seconded. All those in favor say aye. Opposed say no.

The motion carries. Thank you very much.

The meeting dissolved at 10:53PM.